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THREE  
YORKSHIRE ASSIZE ROLLS.



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THREE  
YORKSHIRE ASSIZE ROLLS

FOR THE REIGNS OF

King John and King Henry III.

EDITED BY

CHARLES TRAVIS CLAY.

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## INTRODUCTION.<sup>1</sup>

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THE collection of Yorkshire Assize Rolls in the Record Office, dating from the reign of King John, is considerable.<sup>2</sup> It has appeared preferable to produce in this volume three rolls *in extenso*, rather than to attempt judicious extracts from a number of rolls. From a legal point of view specimen cases would be superfluous; and it would require an arbitrary editor to decide whether Robert of Easby had a greater claim to appear in print than Hugh of Baildon, or whether Preston was a more important vill than Coneysthorpe. There is, indeed, a tedious monotony in the ordinary forms of action; but these rolls are of distinct value in showing in what degree certain legal principles, and more particularly the principle of trial by jury, had become part of English law as ordinarily administered by the King's justices in the thirteenth century; and extracts are sometimes apt to display the exception to the rule.

England was in many ways reorganised after the Conquest. For judicial and financial purposes, the King, besides employing the sheriffs, appointed extraordinary commissioners, "in whom we may see the descendants of the Carolingian *missi* and the prototypes of the English Justices in Eyre."<sup>3</sup> A commissioner, for example, is sent to investigate the rights of some great abbey; or a commission is appointed to try all pleas of the Crown in certain shires. As early as Domesday, "justices" make these occasional circuits<sup>4</sup>; and the shire court suffers in consequence. The

<sup>1</sup> A list of authorities quoted will be found on p. xix.

<sup>2</sup> A list of those to the end of the reign of Henry III will be found in Appendix i.

<sup>3</sup> Davis, p. 33.

<sup>4</sup> *Ibid.*, p. 523.

Assize of Clarendon, promulgated in 1166, regularised the practice in criminal justice which had been tentatively begun in previous years. Robbery, homicide, theft, and the harbouring of thieves are matters which must be brought to the notice of the royal representatives, on the information of the presenting juries of the hundreds and the vills.<sup>1</sup> And the functions of these itinerant justices included civil cases ; they were entrusted with the local supervision of the Grand Assize and the possessory assizes, *novel disseisins*, *darrein presentments*, *utrum*s, and *mort d'ancestors*, those assizes which put into actual practice the cardinal principle of Henry II, that "in any suit relating to the title or the possession of land, the suitor was to be allowed an appeal to the Itinerant Justices or the Curia Regis."<sup>2</sup> At the same time, in an age when justice and finance were so closely related, the collection of royal revenues was no small an element in their work.

Thus at the end of the twelfth century their labours were fairly comprehensive ; and of Martin Pateshull, who died in 1229, Maitland writes that "the amount of hard riding, let alone justice, that he had done is almost beyond belief." One result of the system may be noted, an increasing uniformity in law.

A distinction must, however, be drawn between general eyres "*ad omnia placita*," which were ordinarily made at intervals of seven years, and less comprehensive commissions, held more frequently, which gradually took their place. For the general eyres grew to be increasingly unpopular ; and as the machinery of taxation became more centralised at Westminster, their financial aspect became less important. Commissions of assize for purely possessory actions were inaugurated, while for criminal justice, commissions of gaol delivery and general commissions of "oyer and terminer" were found to be more efficient. With regard to the first group, Magna Carta directs that justices for taking the assizes should visit

<sup>1</sup> Assize of Clarendon, § 1, see Stubbs' *Select Charters*.

<sup>2</sup> Davis, p. 280.

each shire quarterly,<sup>1</sup> although annual circuits were deemed sufficient in the 1217 edition.<sup>2</sup> The work of these commissions was extended by the Statute of Westminster II (1285); the justices were to take the evidence of local juries, who otherwise would have been compelled to journey to Westminster.<sup>3</sup>

On almost every page we can see the germs of trial by jury. But the jurors are not jurors in the modern sense; they are but witnesses. They are men personally connected with the neighbourhood, summoned by a royal official to give upon oath a true answer to a certain question, whether of fact or, it may be, of law. They swear that they will not say anything false nor knowingly conceal the truth<sup>4</sup>; and, if they have no special knowledge of the case, others are chosen in their stead.<sup>5</sup> The history of trial by jury must trace the transition from witness to juror, from a body of men who state facts within their knowledge to a body of men who deliver a verdict after hearing evidence inside the court.

The origin of these witness jurors has been a matter of some speculation, and various theories have been propounded from time to time. As an example of a theory now found to be erroneous, it is clear that no connection can be traced with the compurgators of Anglo-Saxon days. These amiable people were brought in by one of the litigants to swear to the truth of his oath. They were official witnesses, it is true; but only witnesses to character<sup>6</sup>; and "they have nothing in common with the jury but the fact that they swear."<sup>7</sup>

<sup>1</sup> "Recognitiones de nova disseisina, de morte antecessoris, et de ultima presentatione, non capiantur nisi in suis comitatibus et hoc modo; nos, vel si extra regnum fuerimus, capitalis justiciarius noster, mittemus duos justiciarios per unumquemque comitatum per quattuor vices in anno, qui, cum quattuor militibus cujuslibet comitatus electis per comitatum, capiant in comitatu et in die et loco comitatus assisas predictas." Magna Carta, § 18.

<sup>2</sup> Magna Carta, 1217, § 13.

<sup>3</sup> This was the origin of "nisi prius." See Maitland, *Lectures on Const. History*, p. 139.

<sup>4</sup> "Quod non falsum inde dicent nec veritatem tacebunt scienter." Glanvill, *De Legibus Angliæ*, ii, c. 17.

<sup>5</sup> "Consideratum est quod alii juratores eligantur qui melius sciant rei veritatem." Quoted from a Wiltshire roll by Forsyth, *Trial by Jury*, p. 127.

<sup>6</sup> Forsyth, p. 83.

<sup>7</sup> Stubbs' *Constitutional History*, chapter xiii.



The origin of the jury is further afield ; nor is it to be found in any democratic institution. “ It is,” says Maitland, “ not English but Frankish, not popular but royal.”<sup>1</sup> And the theory that these witness jurors of the twelfth and thirteenth centuries owe their creation to the Frankish *inquisitio*—that sworn inquest which was the prerogative of the Carolingian kings—is now an accepted fact. That the inquest became an institution in England was almost entirely due to the Normans ; it was a royal gift, which, unknown to them, was destined to develop into the “ palladium ” of English liberties.

The reservation is necessary, because traces can be found in England before the Conquest. Thus, for example, among the laws of Ethelred it is ordained that “ a gemot be held in every wapentake ; and the twelve senior thegns go out, and the reeve with them, and swear on the relic that is given them in hand, that they will accuse no innocent man, nor conceal any guilty one.”<sup>2</sup> This has the appearance of a twelfth century jury of presentment ; but it was not, perhaps, a law of any generality ; it was applicable only in the Danish district. At the same time, having in view the debt which Anglo-Saxon law owes to Scandinavian elements, it is quite possible that some of the Norse nations came by a route of their own to something like the sworn inquest.<sup>3</sup>

Be that as it may, the Norman kings were the first to systematise the inquest in England as an element in the machinery of the central government. By virtue of the Carolingian *inquisitio*, the King’s *missi* summoned sworn witnesses in a district court, by whose testimony an inquiry could be made into matters of justice and finance.<sup>4</sup> These powers were inherited by the Norman Dukes. In France the inquest slowly died, overwhelmed, it is supposed, by the spread of Roman law.<sup>5</sup> But in England, after the Conquest, the system was

<sup>1</sup> P. and M., i, 142.

<sup>2</sup> Laws of Ethelred, iii, cap. 3.

<sup>3</sup> P. and M., i, 143 ; cf. also Vinogradoff, *English Society in the Eleventh Century*, pp. 6–8.

<sup>4</sup> Stubbs’ *Constitutional History*, i, 613.

<sup>5</sup> P. and M., i, 141.



gradually developed. It was at first, however, confined to matters of supreme importance ; and, for the most part, was employed in the interests of the Crown. In 1080, in a landsuit at Ely certain Englishmen were chosen to say upon oath all that they knew of the matter. And the Domesday Inquest took the form of a general inquiry through every hundred and every vill, a special jury, if we may use the term so early, being empanelled for every hundred. But not until the reign of Henry II was the inquest or recognition—the terms are synonymous—extensively employed in the realms of justice.

After the anarchy of Stephen's reign was over, a further centralisation in administration, and more especially in justice, took place. Feudal privileges were curtailed ; and greater scope was given to the royal courts. There the inquest was introduced as a normal method of procedure.

In criminal cases it was employed as a jury of accusation. Henry II ordained the system for ecclesiastical courts in Normandy in 1159 and in England in 1164.<sup>1</sup> Two years later, under the Assize of Clarendon, the jury of accusation or presentment becomes prominent in the secular courts. Twelve men of every hundred and four men of every vill presenting those suspected of robbery, homicide, and theft or the harbouring of thieves, swear that they will speak the truth<sup>2</sup>; and those presented in this manner will go to the ordeal.<sup>3</sup>

With regard to civil cases, it was ordained in the Constitutions of Clarendon<sup>4</sup> that the method of recognition be employed to settle, in cases between ecclesiastical and lay claimants, whether (*utrum*) the land in question belonged to the Church or to a lay fee. By the assize of "novel disseisin" in 1169, a body of twelve "legales homines" was summoned to answer "yes" or "no" as to whether A disseised B of a tenement, "*injuste et sine judicio*." In that of "darrein presentment" an inquest

<sup>1</sup> "Et si tales fuerint qui culpantur, quod non velit vel non audeat aliquis eos accusare, vicecomes requisitus ab episcopo faciet jurare duodecim legales homines de vicineto, seu de villa, coram episcopo, quod inde veritatem secundum conscientiam suam manifestabunt." Constitutions of Clarendon, § 6.

<sup>2</sup> Assize of Clarendon, § 1.

<sup>3</sup> *Ibid.*, § 2.

<sup>4</sup> § 9. This was the origin of the assize "utrum."

of neighbours declare who last presented to a living ; and in that of “mort d’ancestor” whether the dead man died seised of a particular holding. In 1179, by the Grand Assize, which concerned question of ownership as opposed to the earlier possessory assizes, the defendant might refuse battle with the claimant and put himself upon the assize.

In the agenda of the general *iter* of 1194, the method for electing these “jurors” may be seen.<sup>1</sup> Four knights, themselves elected by the whole county (that is, in county court), shall elect two lawful knights from each hundred or wapentake, who in their turn shall elect on their oath ten knights from their respective hundreds or wapentakes, or, if knights fail, lawful and free men. These twelve from every hundred or wapentake shall answer concerning all the *capitula*. And these *capitula* include pleas of the Crown<sup>2</sup> and all recognitions<sup>3</sup>; and, incidentally, grand assizes in which land worth a hundred shillings and less is at stake.<sup>4</sup> That is to say, they are to do recognitions in both civil and criminal cases. We have arrived at a stage of recognition in one form for every purpose.

But, as has been already indicated, these jurors are still but witnesses. They make statements of fact, presumably within their knowledge, knowledge which they have acquired outside the court. Their truth may be disputed ; recourse may be had to a further body of twenty-four ; and if the original twelve are convicted, they are convicted of perjury,<sup>5</sup> for having sworn to facts which the twenty-four declare to be untrue. Trial by jury is still in its infancy ; and the petty jury is still unborn. We must first be rid of the older methods of proof.

In criminal cases the customary method of procedure was by “appeal,”<sup>6</sup> a private appeal of the injured or of his close

<sup>1</sup> Stubbs’ *Select Charters*, p. 259.

<sup>2</sup> *Ibid.*, § 1.

<sup>3</sup> *Ibid.*, § 2.

<sup>4</sup> *Ibid.*, § 18.

<sup>5</sup> Frequent examples occur in the text ; a charge for the privilege of having a jury of twenty-four was usually made ; see p. 59.

<sup>6</sup> The word had not acquired its modern significance of an appeal from one court to a higher.

relations ; but the process of indictment by sworn neighbours is, as we have seen, becoming a rival to the older method of bringing criminals to justice ; and soon it will emerge victorious. Centralisation widens the functions of the State. Crime must be regarded as a national affair, the criminal as a danger to society.<sup>1</sup>

At the same time, civilisation is bringing a surer method of proof. The idea that " might is right " may not altogether be based on justice grows more powerful ; and the arm of the strong man makes way for a studied verdict of the country. Thus the *duellum*, practically a Norman innovation, tends to disappear ; and the Lateran Council of 1215 condemned the ordeal.

Progress, however, is gradual. In Glanvill's day the accused must fight, unless he be maimed or his years too many, when he goes to the ordeal. But the assize, increasing its sphere of usefulness, will be permitted to settle preliminary questions of fact, whether, for example, the appeal is brought by hatred and malice (*per odium et atiam*), or whether an *alibi* can be rightfully established. These *exceptiones*, pleaded in defence, are capable of extension. And in Bracton's day the accused is allowed a definite choice between the *duellum* and the " country." A further stage is reached in Edward's reign, when to put oneself upon the country (*ponere se super patriam*) is practically compulsory ; for refusal begets *peine forte et dure*<sup>2</sup>; an illustration of the manner in which our cherished liberties have been thrust upon us.

Trial by jury is now close at hand. But the exact origin of the petty jury is wrapped in comparative obscurity. It is certain that the question of actual guilt in a criminal trial was sometimes put to the presenting jury, a jury of another hundred, and the juries of the four neighbouring vills<sup>3</sup>; but

<sup>1</sup> Maitland, *Pleas of the Crown for the County of Gloucester*, p. xxxvi.

<sup>2</sup> For an account of this transition see Maitland, *op. cit.*, pp. xxxvi–xl.

<sup>3</sup> P. and M., ii, 648, where examples may be found. An unusual variation, a presentation by the " juries of the four townships," occurs in the text, p. 41. It is also clear that the same jury might discharge both the functions of accuser and trier. Forsyth (p. 200) quotes from a Northumberland roll of 21 Henry III, that " predicti juratores sint in misericordia quia contrarium presentaverint in veredicto suo." But it is doubtful if this was a practice of any regularity.



we dare not say that the latter assumed an entirely different function from that of the presenting jury.<sup>1</sup> It is possible that some such transition as the following took place. The notion arose that a man's indictors, though originally they had sworn that he was merely suspected (*rettatus*), would not be absolutely impartial if it came to the question of " guilty " or " not guilty "; and a second body must be summoned. At the same time, however, as the general eyres declined in importance, the neighbouring hundreds and vills ceased to appear of necessity ; no body of men, therefore, was at hand with the requisite local knowledge ; thus any body might be called upon to pronounce a verdict, after they had heard individual witnesses, collected for the purpose, inside the court. This body became the petty jury ; and these jurors were both impersonal and impartial, jurors in the modern sense.

At all events, by the reign of Edward III criminal trials had assumed their modern form.

In civil cases also the assize had thrown off its aspect of a body of mere witnesses, and had become a jury competent to sift evidence and to decide on any questions of fact which might occur during the course of the trial. Such a transition is easy of accomplishment. The defendant may bring forward *exceptiones* in support of his claim ; he may produce a charter ; he may vouch his court to warranty ; these things will influence the sworn men in arriving at their decision. They may even be asked by consent of the parties to test the value of plea and counter-plea ; and soon previous knowledge will no longer be regarded as essential. At the same time, juries may now be summoned by mutual consent in the course of an action which has been begun by another method than that of the assize (where recognitors are provided for by the original writ). The " going to the country " spreads outwards from the assize, and *assisa vertitur in juratam*.

Many of these points find illustration in the text. The jurors at first were merely witnesses, with a preliminary supply

<sup>1</sup> Maitland, *Pleas of the Crown for the County of Gloucester*, pp. xliii–xliv.



of knowledge ; “ on their oath they testify this ”<sup>1</sup>; “ therein they will speak the truth of the matter, and that the truth of the matter being heard, the Justiciars shall judge ”<sup>2</sup>; they say that a certain common “ is in Dalton and not in Elvetemere ”<sup>3</sup>; they give a circumstantial account of a disseisin.<sup>4</sup> Indeed, on one occasion when a single witness appears and says that he himself is in seisin of the tenement in question, and was in seisin before the writ was obtained, the jurors know better.<sup>5</sup>

They grow competent to answer incidental questions, as in the example just quoted. They are called in by consent of the parties to answer questions of fact in cases where they are not summoned at first by the original writ.<sup>6</sup> They may be convicted of perjury by a body of twenty-four<sup>7</sup>, and be committed to gaol.<sup>8</sup> And an interesting step in the conversion of the assize into the jury appears when the jury give a reason for their verdict depending on some *exceptio* brought forward by the defendant. One example will suffice. In a novel disseisin concerning a tenement in Rawden<sup>9</sup>, the defendant, Richard de Ledes, maintained that “ the plaintiff never was in seisin of the said land, except only in respect of the service of the said land.” This seems to have satisfied the jurors, who gave judgment for Richard accordingly.

The growth of the system and its transition stages may also be traced in the criminal cases. The vill of Holme is in mercy, because it has not presented A B for judgment ; the next entry is a private appeal.<sup>10</sup> Rainer de Garton appeals John de Drewton of wound ; “ *et hoc offert, etc.* ”; which *in extenso* signifies that he offers to prove this against him by his body as the court shall consider (*et hoc offert probare versus eum per*

<sup>1</sup> See pp. 56, 92, 112.

<sup>2</sup> See p. 20.

<sup>3</sup> See p. 60.

<sup>4</sup> See p. 71.

<sup>5</sup> See p. 106.

<sup>6</sup> See pp. 62, 85, 93, 98, 99, 100, 102, 129, 134.

<sup>7</sup> See pp. 5, 55, 92, 107, 109.

<sup>8</sup> See p. 125.

<sup>9</sup> See p. 78 ; *cf.* also the case of the advowson of Calverley, p. 22.

<sup>10</sup> See p. 30.

*corpus suum sicut curia consideraverit*); John, however, apparently not anxious to fight, puts in an *exceptio* as a maimed man; indeed, he had probably brought forward this plea previously *coram rege*, and had been granted the privilege of "his country" on the payment of forty shillings.<sup>1</sup> Incidentally, the form of an appeal must be precise; a wound should not be described as violence. On the other hand, William son of Roger is allowed, for the consideration of one mark, to have an inquisition in the first instance.<sup>2</sup> And at a later date Walter son of Robert de Pickering, accused of the death of Ralph the Mercer, who was killed in Scarborough, puts himself on a jury of the vill for good and ill; and the jurors say that he is guilty.<sup>3</sup>

But we need something more definite in regard to "novel disseisins" and "mort d'ancestors," which play so conspicuous a part in these pages. They are possessory as opposed to proprietary actions; and "that action is possessory if it will leave open the question whether the successful plaintiff has better right to the land than the vanquished defendant."<sup>4</sup> The procedure in the novel disseisin, which was doubtless suggested by the canonists' *actio spolii*, was distinctly speedy: there is no pleading at issue; the assize will be taken by default if the defendant does not appear; and the questions addressed to the jurors are formulated before the assize is taken.<sup>5</sup> These questions took this form: Did A disseise B without process of law (*sine iudicio*) within the period of the assize? With regard to this period of limitation, in Normandy the rule obtained that the assize must be demanded within the year after the ejection; in England, Glanvill informs us that the period depended on the King's last passage to Normandy; later, as appears in our text, on the King's coronation<sup>6</sup>; in 1236, *coram rege*, it was provided that the limit should depend on the King's

<sup>1</sup> See p. 32.

<sup>2</sup> See p. 34.

<sup>3</sup> See p. 136.

<sup>4</sup> P. and M., ii, 73.

<sup>5</sup> *Ibid.*, ii, 48.

<sup>6</sup> See pp. 1, 4. On p. 123 there is a curious, and probably very unusual, variation—"within the summons of the iter of R. de Thurkelby."

crossing to Brittany (May, 1230)<sup>1</sup>; and finally the year 1242 was chosen, defining the limit of the assize until the days of Henry VIII.<sup>2</sup> Occasionally an anomaly arose. If A disseised B, four days were granted to B in which he might eject A; if B failed to eject A within the four days he must bring the assize; but if he persisted and ejected A after the four days were over, then A could bring the assize and wrongfully might be reinstated.

In the mort d'ancestor the inquiry took this form: (a) was the father or other ancestor seised in his demesne as of fee—this was opposed to the “*ut de jure*” of a writ of right—on the day on which he died? (b) did he die within the period of limitation? and (c) is the plaintiff the next heir?

In Glanvill's day the limit of the assize was the Coronation of Henry II; in 1236, the last return of King John from Ireland to England<sup>3</sup>; and in the Statute of Westminster I (1275), the Coronation of Henry III.<sup>4</sup>

Now, in both these assizes the pleas of the defendant must in no way be proprietary. In a novel disseisin he may urge that the plaintiff never has been in seisin of the land of which he complains to have been disseised; or in a mort d'ancestor he may urge that the plaintiff has an elder brother who is still living; in neither must he claim a better right. The wording of the case must be precise; Bouloudewra is a place and not a vill<sup>5</sup>; common “appurtenant” must not be described as “appendant.”<sup>6</sup>

Variations sometimes occur. A disseisin may take the form of raising a dam to the nuisance of a free tenement<sup>7</sup>; in a mort d'ancestor “the day on which A died” may appear as “the day on which he set out on a journey,” during which he died.<sup>8</sup> In later days these assizes were capable of much extension.

<sup>1</sup> Bracton, *Note Book*, iii, 230.

<sup>2</sup> P. and M., ii, 51.

<sup>3</sup> Bracton, *Note Book*, iii, 230.

<sup>4</sup> See Chadwyck-Healey, *Somerset Pleas*, p. lxv.

<sup>5</sup> See p. 49.

<sup>6</sup> See p. 76.

<sup>7</sup> e.g. p. 46.

<sup>8</sup> See p. 16.



The monotony of the rolls is sometimes pleasantly broken. There is (p. 21) an interesting claim to the advowson of the church of Calverley by Roger le Scot. But Hamo, the Treasurer of York, maintains that the church is not vacant, as the advowson is attached to the chapel of St. Mary, "of which chapel he himself is seised by the gift of the said Roger the Archbishop"; and he produces a charter which may be found in the "Historians of the Church of York and its Archbishops"<sup>1</sup>; this charter alludes to a gift by William le Scot, Roger's grandfather; and Hamo wins his case.

A more straightforward "darrein presentment" appears (p. 85) in a case concerning the advowson of the church of Bilton, the evidence turning on whether the Prioress of Sinningthwaite or Gundria Haget made the last presentation. The case of the Scarborough merchants (p. 117) and the consequent publication of regulations for the buying and selling of merchandise; the mention of a royal charter granting the manor of Falsgrave to the burgesses of Scarborough (p. 127); the career of the manor of Towton (p. 95); the royal writ concerning the vill of Kilham (p. 27); the working of the Provisions of Merton with regard to the approvement of waste (pp. 57, 84); a medieval passive resister at Scarborough (p. 100); and the damage—if the translation is a correct one—caused by the manœuvres of territorials (p. 4); these are matters which will repay attention.

There is a curious abbreviation, which thrice occurs (pp. 85, 99, 134), referring to the summoning of a jury when such has been demanded by mutual consent. The sheriff is ordered to summon twelve men who have no affinity to the parties, by whom the said recognition shall be made, and for making the recognition in the said form, since both the said parties have put themselves on the country—*xii qui nullam affinitatem partibus habent, per quos recognitio predicta fieret, et ad recognitionem in forma predicta faciendam, quia tam partes predicti super patriam se posuerunt.*

<sup>1</sup> iii, p. 76. Rolls Series. "Providimus tam ex largitione nostra quam quorundam fidelium unde imperpetuum sustentari possint . . . . de dono Willelmi Scoty, ecclesiam de Calverley."



One case requires a special note. It is a “mort d’ancestor” between Alice de Bugthorpe and John de Arnold (p. 126). The jurors say that Alice, the mother of Alice, the plaintiff, “died seised of the messuage and land in her demesne as of fee, and after the term.” No “term” had been mentioned previously; but it seems probable that Alice, the mother, had granted a term of years to the defendant, which had expired before her death. John had held over after his term had expired; and this constitutes the “unjust detention.”

And now something of the rolls themselves. The first (pp. 1-42) is a collection of fragments for the reign of King John. These fragments can be dated with some certainty. There appear to have been four “iters” during the reign<sup>1</sup>, though not necessarily iters *ad omnia placita*, viz.:—

- I. 1202, before John Grey, Hugh Bardolf, John de Gestlinges, Master Roger Arundel, Hugh de Bobi, and William FitzRichard; sat at Doncaster, June 29-July 30; and at York, July 30-Dec. 4.
- II. 1203-4, before Geoffrey FitzPeter, Simon Pateshill, Hugh de Chaucumbe, Joscelin de Welles, and Master Ralph de Stokes; sat at York, Feb. 19-Feb. 28.
- III. 1206, before Robert de Vipont, Master Ralph de Stokes, Master Eustace de Faucunberge, Master Roger Arundel, William de Percy, and Walter de Bovington; sat July 25-Sept. 23.
- IV. 1208, before Adam de Port, Simon Pateshill, Godfrey de Insula, Henry de Northampton, Henry Fitz-Hervey, Robert de Percy, Alexander de Poynton, and Ralph Hareng; sat at Doncaster and York, Sept. 29-Oct. 13; at Doncaster, Oct. 4; and at York, Nov. 2-Nov. 14.

Comparing certain entries with corresponding fines<sup>2</sup>, it is evident that the first five membranes belong to the second

<sup>1</sup> See W. Brown, *Yorkshire Fines for the reign of King John* (Surtees Society), introduction, p. xi.

<sup>2</sup> See pp. 7, 9, 10, 15, 24.

of these iters ; and from a mention of the 8th and 9th years of the reign<sup>1</sup>, the remaining membranes probably belong to the fourth.

The second roll (pp. 43-87) comprises cases which form part of the work done on the iter of 1251. The commission to the justices—S., Bishop of Carlisle, R. de Thurkelby, the Abbat of Selby, Gilbert de Preston, and Adam de Hilton—gave power to hear and determine all pleas in the county of York ; they were to be at York for this on the morrow of Michaelmas ; and the Sheriff was ordered to have all pleas and their attachments before them on that day, with all other things which ought and are accustomed to come before justices in eyre.<sup>2</sup> The roll includes cases connected with the liberties of S. Mary and S. Peter.

The third roll (pp. 88-139) refers to an iter held in the 44th year of the reign of Henry III. Assizes and pleas were taken at Malton, and later at Scarborough and at Beverley, before Hugh Bigod, the Justiciar. His instructions are not to be found in the Calendar of Patent Rolls ; but the iter was probably one *ad omnia placita* ; and the roll includes pleas of the Crown and pleas of the forest.

It is probable that each justice had his own roll, and that the rolls followed the justices on their travels.<sup>3</sup> They were regarded as authoritative ; they could prove that seisin had previously been recovered<sup>4</sup>; and agreements were inserted to act as evidence for the future.

In conclusion, there is a recognition needed of another sort. I desire to express my sincere thanks to Mr. W. Paley Baildon, for much patient help of every kind, especially for checking the transcription of the first roll and for supervising the work of translation ; to Mr. William Brown, for valuable assistance in the identification of places ; and to Miss Stokes and to Mr.

<sup>1</sup> See p. 37.

<sup>2</sup> Cal. Patent Rolls, Henry III, Aug. 16, 1251.

<sup>3</sup> The first roll went to Bridgwater and to Lichfield ; see pp. 17, 19.

<sup>4</sup> See p. 122.

Ratcliff, of the Public Record Office, for many suggestions with regard to obscure passages. In addition, Miss Stokes undertook the work of transcribing portions of the first two rolls.

CHARLES TRAVIS CLAY.

*July, 1911.*

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## CORRIGENDA.

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Page 10, line 19, for "Puteae' " read "Puteac'."

Page 30, note, for "clergye," read "clergy."

Page 123, line 6 from bottom, for "Killing," read "Lilling."

Page 125, line 8, for "Alton," read "Acton."



## UNDATED ASSIZE ROLLS OF THE REIGN OF KING JOHN (No. 1039).

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Memb. 1.] The assize comes to recognise if Landric son of Oswald unjustly and without judgment disseised Nicholas the Smith of his free tenement in Dunum<sup>1</sup> after the coronation of the Lord King at Canterbury.

The jurors say that he [Landric] so disseised him. Judgment : let Nicholas have his seisin ; and Landric be in mercy.

Damages : 2 shillings ; amercement : half a mark ; by the pledge of Roger de Tunstal.

Geoffrey son of Alan, who brought an assize of novel disseisin against Roald his brother concerning a certain mill raised in Aldeburgh, now comes ; and he withdrew and put himself in mercy. And his pledges for the prosecution are likewise in mercy, to wit Geoffrey son of Geoffrey and Thomas son of Adam de Brumton.

Henry de Brunum, who brought an assize of novel disseisin against Richard Malebisse concerning his free tenement in Silton, came and withdrew and put himself in mercy for half a mark, by the pledge of Geoffrey Fossard. And be it known that Richard restored to him his seisin.

The assize comes to recognise if Landric and Dolfin and Eluric and Anabel de Nostrefeld,<sup>2</sup> William son of Patric, Richard son of Stephen, John the Miller, unjustly and without judgment disseised Gernagan de Tanefeld of his common of pasture in Tanefeld, which belongs to his free tenement in the same vill, within the assize.

The jurors say that they so disseised him, to wit of common of pasture of wood, to wit of the herbage. Judgment : let Gernagan have his seisin ; and the others be in mercy.

Damages : 2 shillings ; the amercement of each : half a mark ; by [the pledge of] . . . .

Be it known that Nicholas de Boulers undertook to have them before the Justiciars ; and did not have [them]. Therefore he is in mercy.

<sup>1</sup> Probably Doncaster, though an unusual form.

<sup>2</sup> Nosterfield, near Masham.

Geoffrey son of Geoffrey brought an assize of novel disseisin against Roald Constable concerning common of wood in Wacewich,<sup>1</sup> which belongs to his free tenement in Hutteswell;<sup>2</sup> and he withdrew and is in mercy. And his pledges likewise, to wit Geoffrey son of Alan Constable, and Ralph son of William de Barton.

The assize comes to recognise if Alan Malekake and Adam and Hugh his brothers unjustly and without judgment disseised Juliana and Helena, daughters of Arnald, of their free tenement in Pikering within the assize. And Alan comes and says that the assize ought not to be made because he himself claims nothing in that land except the custody through Ralph de Normanvill the sheriff, who says that, after the decease of the father of the said Juliana and Elena, their mother remained with them in that tenement and wasted all their chattels; so that the Lord King could not have their service which he ought to have from that tenement, nor could he find anything in that fee whereof a distraint could be made for having that service. Wherefore he [the sheriff] by the counsel and consideration of the Wapentake [court] seised that land into the hand of the Lord King, as is the custom of the vill. It is considered that the assize shall remain. And the sheriff is ordered to bring them according to the custom of the vill of Pikering.

Thomas de Fegerbi,<sup>3</sup> against whom Roger de Torenton<sup>4</sup> brought an assize of novel disseisin concerning his free tenement in Risewic,<sup>5</sup> came and acknowledged the disseisin; and restored to [Roger] his seisin. And he is in mercy. The damage [assessed] by the jurors: half a mark; the amercement: 1 mark; by the pledge of Alan de Crachal.<sup>6</sup>

The assize comes to recognise if Maude, who was the wife of Hugh son of Jernagan, unjustly and without judgment disseised Robert de Esebi<sup>7</sup> of his free tenement in Esebi after the coronation of the Lord King at Canterbury. The jurors say that she did not so disseise him. Judgment: let Robert be in mercy for a false claim; [he is] a boy.<sup>8</sup>

<sup>1</sup> Waitwith, in the township of Hipswell.

<sup>2</sup> Hudswell, on the Swale, near Richmond.

<sup>3</sup> Fearby, near Masham.

<sup>4</sup> Thornton.

<sup>5</sup> Ruswick.

<sup>6</sup> Crakehall, near Bedale.

<sup>7</sup> Easby, near Richmond.

<sup>8</sup> *Puer*, probably an error for *pauper*.



The assize comes to recognise if William de Corneburc<sup>1</sup> unjustly and without judgment raised a certain hedge in Gilling to the harm of the free tenement of Geoffrey de Eton in the same vill within the assize.

And the jurors say that he [William] so raised the hedge. And the judgment : let the hedge be pulled down and William be in mercy for one mark.

Damages : 12 pence.

And be it known that this assize was taken at the door of the church of S. Mary of York by reason of the liberty which that church has.<sup>2</sup> The pledge for the amercement [is] Richard de Wivill. Richard de Wivill gives half a mark not to swear.

Margery the wife of Stephen puts in her place Stephen her husband against Simon le Loreng in a plea of assize etc.

William Hareng, Simon de Newebi, Hugh Cook the Chamberlain, William son of Geoffrey, Adam son of Agnes, prayed on the Friday next before the chair of S. Peter<sup>3</sup> to replevy their lands which had been taken into the hand of the Lord King for their default against Geoffrey Lutrel and Frethesent his wife.

The Abbat of Kirkestal on the same Friday prayed to replevy his land in Hoton which had been taken into the hand of the Lord King for the default of Alexander son of William against the said Geoffrey and his wife . . . . .

[m. 1 d.] The assize comes to recognise if Alexander brother of Suniva[?] the widow was seised in his demesne as of fee of one bovat of land with appurtenances in Scakerthorp<sup>4</sup> on the day on which he died etc. Which land Reynold Basset holds, who comes and says that she [Suniva] had a certain brother Reynold by name who was her brother and the brother of the said Alexander by one father and one mother, and that the said Reynold had sons who are still surviving ; and if the said Suniva ought to have any right in that land, those sons of Alexander<sup>5</sup> ought to have a greater [right]. And Suniva acknowledged that she had a brother whose sons live. And therefore that assize remains ; and she takes nothing by it.

<sup>1</sup> Cornbrough, in the parish of Sheriff-Hutton.

<sup>2</sup> A liberty was an exempt jurisdiction ; and pleas concerning it had sometimes to be held within it (see P. and M., i, 583). Gilling in Ryedale was in the liberty of St. Mary's, York.

<sup>3</sup> The feast of Peter at Rome, or Chair of St. Peter, falls on Jan. 18.

<sup>4</sup> Scagglethorpe.

<sup>5</sup> In error for Reynold.

The assize comes to recognise if Alice sister of Heilewis Dairrel was seised in her demesne as of fee of one bovate of land with appurtenances in Queldric<sup>1</sup> on the day on which she died, etc. Which land Walter de Mikelesfeld and Beatrice his wife hold, who come and say that the assize ought not to be made, because the said Heilewis was formerly seised as of that [land] which she had disseised them, so that they themselves brought an assize of novel disseisin against her before Hugh Bard[olf], Roger Arundel and their fellows, and before them had recovered seisin thereof. And of this they put themselves on the Justiciars. And Heilewis says that never had they recovered that land nor any other [land] by an assize against her.

And Roger de Arundel, with the whole county and also with certain jurors who had made the said assize, bears witness that Walter brought an assize of novel disseisin against the said Heilewis and a certain Nicholas; and [that] the assize was taken. And the jurors said that Heilewis and not Nicholas disseised him [Walter].

The assize comes to recognise if William de Livet, Geoffrey de Avernus, Richard de Mellers', William de Hurtevent, Elias the Reeve, Ralph Purcell, Anketis the Reeve, William son of Eng', Richard his brother, Reynold son of the steward, Gerard his brother, Robert son of Akus, William his brother, Hugh de Morlay [?], Roger de Clifford, Alan his brother, William de Cliff', Elias de Cliff', Richard Harding, Adam de Crocwell,<sup>2</sup> William his brother, Robert son of Orm, Elias the Miller, Elias de Cunesburc,<sup>3</sup> Vivian his brother, Osbert the Mason, Robert son of Hugh, Elias Brown, Swa[y]n Spileman, unjustly and without judgment disseised Theobald [son of ]Walter of his free tenement in Edlington<sup>4</sup> after the coronation of the Lord King at Canterbury.

And the jurors say that they so disseised him, because they trod down his corn by having a guard there [?; *cum warda facta*]. Judgment: let Theobald have his seisin and the others be in mercy.

Damages: 2 marks. Hugh son of Robert, William de Morthinges, undertook that the damages should be paid.

The assize comes to recognise if Philip<sup>5</sup> bishop of Durham unjustly and without judgment disseised the Abbot of Egleston

<sup>1</sup> Wheldrake.

<sup>2</sup> Crook-hall, in the parish of Edlington.

<sup>3</sup> Conisbrough.

<sup>4</sup> Edlington, near Doncaster.

<sup>5</sup> Philip of Poitiers, Bishop of Durham, 1195; died probably in 1208 (see *Dict. Nat. Biog.*).



of his free tenement in Kilventon<sup>1</sup> within the assize. It is put in respite until three weeks after Easter before the King if he shall be in England ; and if he shall not be [in England] at Westminster at the same term : because the jurors bore witness that they did nothing just therein nor were they summoned before the Friday next before the chair of St. Peter. And the summoners, asked if they made the summons, said that they had no order for making the summons. The same day is given for the recognitors. And the bishop puts in his place Robert de Rokingham and Geoffrey de Aucleut or Jukel de Smitheton or Master Gregory.

The sheriff was ordered to seize into the hand of the Lord King six bovates of land in Santon<sup>2</sup> which Alan de Santon recovered against Norman de Insula by an assize of novel disseisin, in which the said Norman complained that a false jury had been made therein ; and to summon twenty-four jurors to be before the Justiciars to convict of perjury the recognitors of the said assize of novel disseisin.

And the twenty-four come who, sworn, say that Norman did not disseise Alan as the recognitors of the novel disseisin said. And therefore it is considered that Norman do recover his seisin and Alan be in mercy.

The names of the jurors of the novel disseisin are Thomas de Tannester, Robert de Spaldinton, William de Daivell, Thomas Hay.

The assize of mort d'ancestor between Geoffrey Lutrel and Frethesent his wife, plaintiffs, and the Brethren the Knights of the Temple and Jordan de Hordbir' and Agnes his wife, concerning four bovates of land with appurtenances in Hottune,<sup>3</sup> remains by licence of the Justiciars, because Geoffrey Lutrel and F[rethesent] his wife wish to obtain a better [? writ], as they say.

[m. 2.] The Prior of Mialton, summoned that he should have before the King a charter, if he had one, from Robert Fossard, comes and says that he has none from him.

The Abbat of York, summoned for the like, says that he has no charter from the said Robert.

The Prior of Watton, summoned for the like, says that he has none.

<sup>1</sup> North Kilvington, near Thirsk.

<sup>2</sup> Sancton, near Market Weighton.

<sup>3</sup> Hooton Pagnell.

Gilbert de Middelton against whom Avice, who was the wife of Roger de Middelton, seeks the third part of one bovate of land with appurtenances in Middelton as her dower, comes and renders to her that third part to be held in the name of dower.

Alice who was the wife of Francus seeks against Roger son of Ranulf one toft with appurtenances in Sneinton<sup>1</sup> as her dower by the gift of the said Francus late her husband. And he [Roger] said nothing why she should not have her dower ; and therefore it is considered that she do have her seisin thereof.

Agreement between William Briewere and Helewise de Stutevill,<sup>2</sup> tenant, concerning the admeasurement of dower of the said Helewise which she had from Hugh de Morevill late her husband, to wit that the said William quitclaimed to the said Helewise the whole manor of Chircosward<sup>3</sup> with appurtenances and the whole manor of Lesingebi<sup>4</sup> with appurtenances. And the said Helewise released and quitclaimed to the said William the whole manor of Hisale<sup>5</sup> with appurtenances. And as to the knights be it known that the said Helewise retained the service of Roger de Bello Campo without division, and against that service quitclaimed to the said William the service of Robert de Budecaster and Richard de Niweton without division. And the residue of all the other knights must be shared by lot so that the lady Helewise has a third part of the service and William Briewere two parts.

William de Vesci who essoined himself by reason of illness against Robert son of Walter in a plea of land informed the court that he had not been viewed,<sup>6</sup> and was convalescent ; he prayed leave to get up, and had it.

Maude who was the wife of William seeks against Robert de Alverton and the Prioress of St. Stephen<sup>7</sup> one toft with appurtenances in Tresc<sup>8</sup> as her dower which belonged to her of the free tenement of William formerly her husband. And Robert

<sup>1</sup> Snainton, near Scarborough.

<sup>2</sup> She was daughter of Robert de Stutevill, lord of Liddell and Cottingham. She married (1) William de Lancaster, who died 1184 ; (2) Hugh de Morvill, who died 1201 ; and (3) William, son of Ralph de Greystoke, who died 1210 (see pedigree in *Yorks. Arch. Journal*, xxi, p. 68).

<sup>3</sup> Kirkoswald, near Penrith.

<sup>4</sup> Lazonby.

<sup>5</sup> Hessle, where the Stutevill family held land (see Kirkby's *Inquest*, p. 89).

<sup>6</sup> See Appendix II.

<sup>7</sup> See *Yorks. Arch. Journal*, ix, p. 334.

<sup>8</sup> Thirsk.



holds nothing of that land in demesne as the said Maude acknowledged; and the Prioress, who holds the land, comes and vouches to warranty Robert de Alverton. Let her have him on the coming of the Justiciars.

Warin de Vesci for default half a mark. Roger de Capetot for the like half a mark. They essoined themselves and had a day for their essoin; but made a fine so that they remain.<sup>1</sup>

William Harengel, who had three bovates of land and two tofts with appurtenances in Hoton, came and acknowledged that that land and the tofts were the right of Frethesent and Isabella daughters of William Paine; and for this acknowledgment Geoffrey<sup>2</sup> the husband of Frethesent granted to him two bovates of land from that land with a toft belonging to those two bovates of land, to hold for his whole life for one pound of pepper and doing forinsec service.<sup>3</sup>

William son of Geoffrey, who held two bovates of land with appurtenances in the same vill, came and rendered to the said Geoffrey and Frethesent and Isabella one of the bovates; and the other remains to him to hold in fee to himself and his heirs for the service of half a mark yearly and doing forinsec service.<sup>3</sup>

[m. 2 d.] Thomas de Yoltorp<sup>4</sup> gives to the Lord King one mark for licence of concord<sup>5</sup> by the pledge of Robert Brown (*Bruni*).

This is the final concord made between William de Mobrai and Adam de Stavelai, to wit that the said Adam acknowledged to the said William the whole of his forest in Lonesdal with appurtenances [to be] free and quit so that all beasts of the woods and all birds who seize other birds shall remain to the said William and his heirs without any retention for ever. And be it known that the said William de Mobrai granted to the said Adam and his heirs by his gift that he shall take with his dogs the hare and fox in the said forest. In like manner be it known that the said Adam quitclaimed for himself and

<sup>1</sup> They paid a fine for their default, and the case "remains," *i.e.* stands over.

<sup>2</sup> This is Geoffrey Lutrel (before mentioned), who married Frethesent, daughter and coheir of William Paine. Frethesent remarried Henry de Newmarch.

<sup>3</sup> See Appendix II.

<sup>4</sup> Youlthorpe, near Pocklington.

<sup>5</sup> See the fine between Thomas and Nicholas de Joltorp, Feb. 26, 1203-4, printed in *Yorkshire Fines*, p. 87.

his heirs to the said William and his heirs all the forest of Mewich' in wood and pasture with all its appurtenances, saving reasonable estovers<sup>1</sup> to Adam and his heirs and his men of Ingelton and the two Benethaim<sup>2</sup> for building and burning, to be taken by view of the foresters of the said William and his heirs ; and saving the pannage of Adam's own pigs and those of his men from the three said villis. And the beasts of the said Adam and his heirs and his men of the said villis shall go to pasture in the same forest everywhere by day, so that by night they shall return to the said villis so as not to remain by night in the said forest ; in such a manner however, that the men of Adam and his heirs of the two Benethaim<sup>2</sup> shall have in the said forest twenty mares with their foals (*secta*) up to two years old both by night and by day ; and they shall fold their mares when they shall wish to fold them and take them by view of the foresters. And be it known that the said William and his heirs shall make lodges (*logas*) and vaccaries (*vaccarias*) in the said forest of Mewid where they shall wish, saving reasonable entry and exit for the cattle of the said Adam and his said men for pasture. And the cattle of the lord William and his men of Burton shall common with the cattle of the said Adam and his men of the said villis of the two Benethaim<sup>2</sup> outside the corn and meadow : and when corn and hay is removed they shall common everywhere with the said cattle. Moreover be it known that three vaccaries, namely Querneside and Suterscales and Birbladewith, shall remain to the said Adam and his heirs with wood and meadows and pastures and all appurtenances. And the hermitage (?) shall remain waste, so that no house shall be there except by the licence of William de Mobrai, saving the woods and meadows and pastures to Adam and his heirs. And the said Adam shall build no other vaccary nor lodge except in these three places, nor enclose any meadow except the meadow which was enclosed before this concord. And the gallows and pit, which the said Adam claimed to have in Sedbergh, he quit-claimed for himself and his heirs to William de Mobrai and his heirs, so that Adam and his heirs shall have none there for ever.

<sup>1</sup> See Appendix II.

<sup>2</sup> High Bentham and Low Bentham.



ASSIZES TAKEN AT YORK BEFORE G. FITZ PETER  
AND HIS FELLOWS.

[m. 3.] The assize comes to recognise if Roger Lewalur unjustly and without judgment disseised Simon de Fislake of his free tenement in Fislake within the assize.

The jurors say that he did not so disseise him. Judgment : Simon is in mercy for a false claim. The same jurors when questioned said that Gilbert de Wistan disseised him and delivered that tenement to the said Roger.

The assize comes to recognise if Akary de Oustwic<sup>1</sup> unjustly and without judgment disseised Alexander de Clapehamme of his free tenement in Oustwic within the assize. Akary replies that he disseised him by the judgment of his court. And questioned by the Justiciars whether he now had his court to warranty, admitted that [he had] not. Judgment : Akary is in mercy for disseisin ; and let Alexander have his seisin.

Damages : 3 shillings. The amercement of Akary : 40 shillings.

The assize comes to recognise if Roger son of Lefwine unjustly and without judgment disseised Geoffrey son of Lefwine of his free tenement in Cuningestorp<sup>2</sup> within the assize.

The jurors come and say that Roger son of Lefwine had seisin thereof by William de Stutevill ; and [that] Geoffrey was disseised by the said William. Judgment : Geoffrey is in mercy for a false claim. He is pardoned because he is poor.

The assize comes to recognise if Adam brother of Beatrix, the wife of William son of Ernald, was seised in his demesne as of fee of three bovates of land with appurtenances in Treton<sup>3</sup> on the day on which he died ; and if he died etc. ; and if the said Beatrix is his next heir ; of which land William son of Jordan deforced her. They made an agreement<sup>4</sup> so that one bovate remains to the said William and Beatrix except a messuage, and in exchange for the messuage they have a certain curtilage, to be held from the said William [son of Jordan] paying therefor

<sup>1</sup> Austwick, near Settle.

<sup>2</sup> Coneysthorpe.

<sup>3</sup> Treeton, near Rotherham.

<sup>4</sup> Printed in *Yorkshire Fines*, p. 81 (Feb. 23, 1203-4).

twelve pence and doing forinsec service.<sup>1</sup> And the said William and Beatrix give half a mark for licence of concord.

The assize comes to recognise if Huctred father of Arnald was seised in his demesne as of fee of half a carucate of land with appurtenances in Folifait<sup>2</sup> on the day on which he died ; and if he died after the first coronation etc ; and if the said Arnald etc.; of which land Walter son of Hugh and Elyas de Opeton<sup>3</sup> deforced him. They made an agreement.<sup>4</sup> And Arnald gives half a mark for licence of concord.

The assize comes to recognise if Horm father of Richard de Torp was seised in his demesne as of fee of one acre of land with appurtenances in Bolrunesflat on the day in which he died ; and if he died etc.; and if the said Richard etc.; of which land William de Sutton deforced him.

The jurors say that the said Horm did not die seised. Judgment : Richard is in mercy for a false claim ; and let William hold in peace.

Market Wighton (F.R.) See Elaria Trussebut puts in her place Ralph de Den' against Henry de Puteae<sup>5</sup> in a plea of land in Wighthton.<sup>6</sup> William de Aubeny puts in his place Ralph son of Simon against the same [Henry] in the same [plea].

Curia Regis Vol 1. The Vill of Wighton 1103 divided between Peter de Ros + his brother; she was their (sister?) The assize comes to recognise if William father of Elyas was seised etc., of one carucate of land with appurtenances in Torneton on the day on which he died ; and if he died etc.; and if the said Elyas etc.; of which land Geoffrey archbishop of York deforced him. They made an agreement.<sup>7</sup> And Elyas gives half a mark for licence of concord.

The assize comes to recognise if Ketel father of William de Scotton was seised in his demesne as of fee of two bovates of land with appurtenances in Grafton on the day on which he died ; and if he died etc.; and if the said William etc.; of which land John Burgemun' and Robert Rat deforced him. And John Bargemun' essoined himself. And Robert Rat comes and says that he holds the whole land from John ; and he puts himself on the judgment of the court as to whether he ought to answer without the said John, since the said William claims to hold

<sup>1</sup> See Appendix II.

<sup>2</sup> Follifoot, near Knaresborough.

<sup>3</sup> Hopperton.

<sup>4</sup> Printed in *Yorkshire Fines*, p. 82 (Feb. 23, 1203-4).

<sup>5</sup> A note on p. 139 of *Yorkshire Fines* says that he was son of Hugh de Puiset, Bishop of Durham, and Adelis de Percy.

<sup>6</sup> Probably Weeton, in the parish of Harewood.

<sup>7</sup> Printed in *Yorkshire Fines*, p. 81 (Feb. 19, 1203-4).



that land from another. Judgment: let him have a day on the coming of the Justiciars. The same day is given to John through his essoin.

The assize comes to recognise if Robert father of Aubrey was seised in his demesne etc., of two bovates of land with appurtenances in Nuscap (*sic*) on the day on which he died; and if he died etc.; and if the said Aubrey etc.; of which land Aicusa daughter of Grundus and Theobald son of Geoffrey deforced her.

The jurors say that the said Robert died thus seised and that the said Aubrey is his next heir. Judgment: let Aubrey have her seisin; and Aicusa and Theobald be in mercy. They do not come nor do they essoin themselves.

The assize comes to recognise if Roger uncle of Peter de Birkin was seised in demesne etc., of one carucate of land with appurtenances in Horsford and of two carucates of land with appurtenances in Kikel<sup>1</sup> on the day on which he died; and if he died etc.; and if the said Peter is the next etc.; of which land the Abbat of Kirkestal and Roger son of Richard deforced him. And the said Abbat comes and says that he holds the whole of the said land to farm from the Prior of Heraverol<sup>2</sup> and [that] Roger holds the land, which he holds, from the said Abbat and of the said farm.

The assize comes to recognise if Robert father of Maude the wife of Adam de Mora was seised in his demesne as of fee of one bovat of land with appurtenances in Bretton on the day on which he died; and if he died etc.; and if the said Maude etc.; of which land the Prior of Bretton deforced her. Who comes and says that the assize ought not to proceed, because the said Adam and Maude were seised thereof after the death of the said Robert; and that this is so he puts himself on the jury. And the said Adam and Maude say that they were not; and of this they put themselves in like manner upon the jury.

The jurors say that the said Adam and his wife were seised thereof after the death of the said Robert. Judgment: the said Adam and Maude are in mercy for a false claim; and let the Prior hold in peace.

The assize comes to recognise if Robert the uncle of Adam son of Ranulf and of Peter de Daggingehal was seised etc., of one acre of land with appurtenances in Timberholm on the day

<sup>1</sup> Keighley.

<sup>2</sup> Haverholm, in Lincolnshire (see *Thoresby Society*, xv, 225).

on which he died ; and if he died etc.; and if the said Adam and Peter are the next etc.; of which land Elyas de Waddeworth and Emma his wife deforced them. Adam the plaintiff is dead ; and Emma the tenant essoins herself. On the coming of the Justiciars.

The assize comes to recognise if Richard Scriptor and Wimarc his wife, and Thomas Brun and Richard his son, and Philip son of William, unjustly and without judgment disseised Hugh the Smith of his free tenement in Tocwith within the assize.

The jurors say that the said Thomas and Wimarc and Richard and Philip and [not] the said Richard disseised him. Judgment : let the said Hugh have his seisin.

Damages : 18 pence. And the said Wimarc<sup>1</sup> and Thomas and Richard and Philip are in mercy for disseisin ; and Hugh likewise is in mercy for a false claim ; the amercement of Hugh : half a mark.

The assize comes to recognise if Hugh father of Holfrid was seised in his demesne as of fee of eight acres of land with appurtenances in Beln'<sup>2</sup> on the day on which he died ; and if he died etc.; and if the said Holfrid etc.; of which land Simon de Rohal<sup>3</sup> deforced her. And Holfrid the plaintiff is dead and Emma her daughter continues the writ ; and the Lord King ordered that therefore it do not remain, but that the assize be taken in the presence of Emma daughter of Holfrid.

The jurors say that Holfrid and her husband were seised thereof and Emma admits this ; and therefore let the assize remain.

Margery wife of Stephen puts in her place the said Stephen against Simon le Loereng in a plea of assize etc.<sup>4</sup>

William Hareng, Simon de Newby, Hugh Cook the Chamberlain, William son of Geoffrey, and Adam son of Agnes, prayed to replevy their land on the Friday next before the feast of Peter in Cathedra which was seized into the King's hand for their default against Geoffrey Luterel and Frethesent his wife.<sup>4</sup>

The assize comes to recognise if Richard de Warrewic and Nicholas his son unjustly and without judgment disseised Adam de Hoton of his free tenement in Munkiton'<sup>5</sup> [?] within the assize.

<sup>1</sup> Above the name is written : "*perdonatur quia pauper.*"

<sup>2</sup> Balne, in the parish of Snaith.

<sup>3</sup> Rowall.

<sup>4</sup> These entries are repetitions (see above, p. 3).

<sup>5</sup> Monkton.



The jurors say that they did [not] so disseise him. Judgment : Adam is in mercy for a false claim ; and let Richard and Nicholas hold in peace.

The jurors say that they cannot give more than half a mark.

The assize comes to recognise if Walter de Soureby [?], and Ralph de Hoyland and Elizabeth his wife, and Hugh the gate-man [*janitor*] and Mabel his wife, and William Frebois and Ydonia his wife, unjustly and without judgment disseised William de Edingeham<sup>1</sup> and Adelina his wife of their free tenement in Heselereton within the assize.

The jurors say that they so disseised them. Judgment : The said Walter, Ralph, Elizabeth, Hugh, Mabel and William are in mercy for disseisin ; and let William and Adelina have their seisin.

Damages : 5 shillings. The amercement of Walter de Soureby : half a mark. The amercement of Ralph de Hoyland : half a mark. The amercement of Hugh the gate-man : half a mark. The amercement of William Frebois : half a mark. The pledges of the said [people] who made the disseisin are likewise in mercy because they have not come.

The assize comes to recognise if Geoffrey Balloc unjustly and without judgment disseised Michael de Cave and Wimarç his wife of their free tenement in Cave within the assize. And the said Geoffrey, questioned if he knew anything to say against the assize, said that the judgment of his court took that tenement into his hand for default of his service ; and he brought his court to warranty thereof and that which was testified to the court.

[m. 3 d.] The assize comes to recognise if James de Scireburn and John his son and William son of Rabel and Geoffrey the man of James and Thomas de Crou'<sup>2</sup> and William Palmer and Roger son of Richard de Scireburne and Walter Daly and Thomas his son and William son of Osbert and Robert Sunt and Thomas son of Osbert and William son of Dorewen and Alan Godrich [?] and William Carebred unjustly and without judgment disseised the Brethren of the Hospital of Jerusalem of their free tenement in Scireburn<sup>3</sup> within the assize.

The jurors say that they so disseised them. Judgment : all the disseisors are in mercy for disseisin.

Damages : half a mark by the pledge of Gilbert the clerk of Berketorp.<sup>4</sup>

<sup>1</sup> Yeddingham, in the wapentake of Buckrose.    <sup>2</sup> Croom, near Sledmere.

<sup>3</sup> Sherburn, E.R.    <sup>4</sup> Barthorpe-Bottoms, in the parish of Acklam.

The assize comes to recognise if in the next place all the same unjustly and without judgment disseised Maude de Scireburn and Hugh her son of their free tenement in Scireburn within the assize.

The jurors say that they did not disseise her. Judgment : Maude is in mercy for a false claim. Her amercement : half a mark. The amercement of Hugh is pardoned because he is poor.

The assize comes to recognise if Richard de Helperthorp unjustly and without judgment disseised Robert de Helperthorp of his common of pasture in Helperthorp, which belongs to his free tenement in the same vill, within the assize.

The jurors say that he so disseised him. Judgment : Richard is in mercy for disseisin ; and let Robert have seisin.

Damages : 12 pence. The amercement of Richard : half a mark.

The assize comes to recognise if Thomas father [of Thomas] was seised etc., of two bovates of land in Aclum on the day on which he died ; and if he died etc.; and if the said Thomas etc.; of which land Stephen de Brunum [?] deforced him.

The assize comes to recognise if Hervey the Miller and Emma his wife unjustly and without judgment disseised Ralph de Brifel of his free tenement in Driffeld within the assize.

The jurors say that they so disseised him. Judgment : Hervey is in . . . . . and Emma is in mercy for half a mark for disseisin.

Damages : 12 pence.

The assize comes to recognise if Robert son of William unjustly and without judgment disseised Beatrix wife [? of . . . .] of her free tenement in Driffeld within the assize.

The jurors say that he so disseised her. Judgment : let Beatrix have seisin and Robert be in mercy.

Damages : 3 shillings ; and the amercement : half a mark, by the pledge of Yvo the Clerk.

The assize comes to recognise if Rabel father of William was seised in his demesne as of fee of one rood of land with appurtenances in Fareburn on the day on which he died ; and if he died etc.; and if Rabel etc.; of which land Ralph son of Ernald deforced him. And Ralph says that he does not hold that land except at a yearly farm from the Canons of Wattun.



And the Prior of the house comes and says likewise. Judgment : let him [Rabel] seek another writ and Ralph be quit thereof.

The assize comes to recognise if Ralph<sup>1</sup> brother of Suniva [?] the widow was seised in his demesne as of fee of one bovaté of land with appurtenances in Scakeltorp<sup>2</sup> on the day on which he died; and if he died etc.; and if the said Suniva etc.; of which land Reynold Basset deforced her. And Reynold says that the assize ought not to be made thereof, because the said Suniva is his native and the son [? daughter] of his native. And this she denies; and she produces the charter of William Basset concerning a gift of the said William to Alexander her brother whose heir she is, as she says. And Reynold says that, if that land ought to descend hereditarily the said Alexander had an elder brother who had a son who is his villein; he says that Alexander was his villein, and that that charter ought not to harm him because it was made by his adversary, and that he is not the heir of William Basset, and that [it should be] asked whether Alexander had a brother.

Richard Brito gives to the Lord King half a mark for licence of concord.<sup>3</sup>

The assize comes to recognise if William Albalister, father of Agnes and Hawise de Ganedale, was seised in his demesne as of fee of half a carucate of land with appurtenances in Ganedale<sup>4</sup> on the day on which he died; and if he died etc.; and if the said Agnes and Hawise etc.; of which land the nuns of Wilborfossa<sup>5</sup> deforced them.

The jurors say that he [William] was not so seised. Judgment : Agnes and Hawise are in mercy for a false claim, and let the nuns hold in peace. The amercement of Agnes : half a mark.

The assize comes to recognise if Richard father of William was seised in his demesne as of fee of one bovaté of land with appurtenances in Cave on the day on which he died; and if he died etc.; and if the said William etc.; of which land Geoffrey de Reslon [?] deforced him. Who says that William was seised of that land after the death of his father, Richard. And William denies this; and of this he put himself on the jury. And Geoffrey likewise.

<sup>1</sup> Apparently an error for Alexander (see above, p. 3).

<sup>2</sup> Scagglethorpe.

<sup>3</sup> Probably for the fine concerning lands in Brompton; printed in *Yorkshire Fines*, p. 81 (Feb. 19, 1203-4).

<sup>4</sup> Givendale, near Pocklington.

<sup>5</sup> The Benedictine nunnery of Wilberfoss, near Pocklington.

The jurors say that he [Richard] was not seised. Judgment : William is in mercy for a false claim ; and let Geoffrey hold in peace.

The assize comes to recognise if Gerald father of Thomas was seised in his demesne as of fee of half a carucate of land with appurtenances in Andlaneby<sup>1</sup> on the day on which he died ; and if he died etc. ; and if the said Thomas etc. ; of which land William son of Peter deforced him.

The jurors say that he [Gerald] was not so seised. Judgment : Thomas is in mercy for a false claim ; and let William hold in peace.

The assize comes to recognise if Gerald father of Thomas was seised in his demesne as of fee of half a carucate of land in Santun<sup>2</sup> on the day on which he died ; and if he died etc. ; and if the said Thomas etc. ; of which land William son of Alexander deforced him.

The jurors say that he [Gerald] was not so seised. Judgment : Thomas is in mercy ; and let William hold in peace.

The assize comes to recognise if Ralph brother of Thomas was seised in his demesne as of fee of one bovate of land with appurtenances in Lundun on the day on which he set out on a journey etc. ; and on what journey [he died] ; and if that journey etc. ; and if the said Thomas etc. ; of which land Dionisia daughter of William the chaplain deforced him. And Dionisia says that Ralph his brother was seised thereof, and Thomas after the death of Ralph ; and of this she put herself on the jury ; and Thomas likewise.

The jurors say that Thomas was [so] seised. Judgment : Thomas is in mercy for a false claim ; let him be pardoned because he is poor ; and let Dionisia hold in peace.

Beatrix, who was the wife of Richard, seeks against Alan son of Thomas her reasonable dower,<sup>3</sup> to wit the third part of land with appurtenances in Hekinton, which falls to her in respect of the free tenement which belonged to Richard son of Thomas, formerly her husband. And Alan comes and says that Richard her husband was not seised thereof on the day on which he married her, nor ever afterwards ; and of this he put himself on the jury ; and she likewise. And afterwards she produces suit which testifies that he [Richard] was seised thereof on the day on which he married her. Judgment : [blank].

<sup>1</sup> Anlaby, near Hull.

<sup>2</sup> Sancton.

<sup>3</sup> See Appendix II.



ALSO AT BRUGES.<sup>1</sup>

Richard de Perci offered himself on the fourth day against Roger de Karleton in a plea that he [Roger] should allow the said Richard to have his wood of Moisquid in peace, in which the said Roger claims common, and in which the said Roger ought to have no common, as the said Richard says. And Roger does not come nor essoin himself. And the summoning was testified. Judgment: let him be attached to be before the King on the morrow of the close of Easter etc.

An agreement between Thomas de Queninton, plaintiff, and William son of Wido, holder, concerning half a hide of land and appurtenances in Lincumbe, to wit that the said Thomas acknowledged the said land to be the right of the said William; and [that] the said William for that recognition granted to the said Thomas a virgate of land and appurtenances in Lincumbe, to wit half a virgate of land which Robert Ruffus holds and another half a virgate from his demesne in the same vill; [to hold] with the sister of the said Thomas to the son and heir of the said William, to wit Walter; in such a manner that if the said Walter shall happen [to die] before he shall have married that sister, another son of the same William, his heir, shall marry her; and [if] any ill shall happen to the first sister of the said Thomas before she be married, the son and heir of the said William shall marry another sister. And be it known that the son and heir of the said William and the sister of the said Thomas shall be in the wardship of the said William with the said marriage portion until . . . . .

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[m. 4.] William son of Ernald [is amerced] half a mark for a trespass, to wit because he produced one woman instead of another, by the pledge of Gilbert de Tadeb . . . . .

It is recorded by the sheriff, together with the county [court], that Siward de Lindele<sup>2</sup> complained that Richard de Brerton<sup>3</sup>

<sup>1</sup> Bridgwater seems to be the most probable interpretation. It appears as *Brug Walteri*, and sometimes as plain *Bruges*, in Somerset Assize Rolls. Further, the second of these two cases appears to belong to Somerset, in which county is the vill of Lyncombe (see Bracton's *Note Book*, ii, p. 672). The Editor of *Somersetshire Pleas* (Somerset Record Society) has not included this entry in his volume; and so, as a pleasing example of mediæval match-making, its appearance here may be permitted.

<sup>2</sup> Lindley, near Otley.

<sup>3</sup> Brearton, near Knaresborough.

seized and imprisoned him and took away his chattels to the value of thirty marks, albeit he is a free man and a free tenant of Mauger le Vavassur, so that he was delivered by the sheriff, and his beasts were likewise delivered by the same. And Richard himself was summoned to be at the county [court] to answer therein ; and each of them came to the county [court], and Siward complained in the county [court] of the said wrong. And Richard said that he seized him justly as one who is his villein and whose chattels are his ; and thereof he produced villeins, who were of the progeny of the same Siward, by whom he was prepared to show that he [Siward] is a villein. And Siward denied the villeinage ; and he produced free men by whom he wished to prove that he was a free man.

This being heard, the sheriff and the county [court] postponed that plaint to the coming of the Justiciars, because it was not in their power to hold that plea.<sup>1</sup> And peace was given meanwhile to the said Siward in respect of his body and his chattels. And not long afterwards the said Richard again seized the said Siward and his beasts and chattels, which before had been delivered by the sheriff, and in respect of which peace had been given to him until the coming of the Justiciars by the sheriff and county [court] ; and he kept him in custody (*fermina*) for some time. But at length he dismissed him ; and he [Siward] immediately came to the court and sought letters of Sir G. FitzPeter for replevyng his beasts, and that he should be justly brought to the county court in respect thereof ; so that the sheriff sent a serjeant of the King to deliver his beasts, before whom, as the same serjeant testified, very many lawful men being present, the said Richard confessed that he had six beasts and that he would not deliver them, but have them lawfully where and when he ought as the said Siward gave them to him.

And Richard came before the Justiciars and confessed the first seizure, both of Siward's body and of his chattels, and that he [Siward] replevied them by the sheriff, but never afterwards.

It is considered that Richard do restore to the said Siward the chattels which he took, and be in mercy, and he may sue before the Justiciar on his coming, if he wishes [to do anything] against the said Siward in respect of villeinage. And be it known that Richard came and acknowledged before the Justiciars almost all the chattels which he took, and which the

<sup>1</sup> The principle that the sheriff in county court is incompetent to judge whether a man be free or unfree is recognised by Bracton (see fol. 105b).



sheriff has enrolled. And if he [Richard] can record [them, so] that he can have a plea, let them be returned to him. He could not do it. The sheriff is ordered to cause [Siward] to have both the chattels admitted and the others.<sup>1</sup> The amercement of Richard: three marks; by the pledges of Ralph Mauleverer and Richard de Ricton.

A day is given to the attorney of Robert de Cornham and the Abbat of York and the Prior of St. Oswald,<sup>2</sup> concerning churches which the said Robert claimed against them, on the morrow of the close of Easter, by Peter de Roches before the King wherever he shall be in England; and if he shall not be in England, at Westminster.

William Ramkil is in mercy for disseisin, to wit half a mark; by the pledge of Samson le Seler.

Adam of St. Mary [is in mercy] for default: half a mark; by the pledge of Thomas de Wilton.

Hugh de Heland for default: half a mark.

Thomas Bacun for the like: half a mark.

William son of Richard for the like: half a mark.

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#### AT LICHEFELD.

Geoffrey Lutrel and William de Stok[es], put in the place of Frethesent his [Geoffrey's] wife, and Godfrey de Craucumbe, put in the place of Isabel sister of Frethesent, offer themselves on the fourth day against the Prioress of Hampol, who essoins herself for illness; and a view was made by four knights, who were ordered to testify their view and what day they put for her before the King on the Sunday before the feast of St. Gregory. And then two of them, to wit William son of Guy and Hugh de Scaucebi, do not come or esoin themselves. And therefore it is ordered that they be attached to be before the King on the morrow of the close of Easter etc. The same day is given to the two knights, concerning the same, to wit Robert Malet and Hugh de Mikelbrink, *in banco*.

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<sup>1</sup> The point of this, which is very obscure, seems to lie in the fact that chattels could only be sued for if described.

<sup>2</sup> Nostell.



[m. 5.] The assize of mort d'ancestor between Robert son of Pain, plaintiff, and Robert the Carpenter, holder, concerning three acres of land with appurtenances in Gnaresburc,<sup>1</sup> is postponed to the coming of the Justiciars, because Robert the tenant does not come or essoin himself. And therefore let him be summoned again.

Peter son of Ralph, John son of Benedict, Adam de Clessebi, brought an assize of novel disseisin against Hugh Murdac and many others, concerning their free common of pasture in Croft. And they do not go on. And therefore [they are] in mercy ; and their pledges likewise. Be it known that nothing is found on the back of the writ.<sup>2</sup>

Lambert Pictor, against whom Herbert de Mildebi<sup>3</sup> brought an assize of novel disseisin concerning his free tenement in York, came and acknowledged the disseisin ; and he puts himself in mercy. The damage is pardoned. The amercement : half a mark ; by the pledge of the said Herbert.

The assize comes to recognise if Ralph [? son] of William Ranckil unjustly and without judgment disseised Ralph Francigena and Maude his wife of a toft with appurtenances in York, after the coronation of the Lord King at Canterbury.

And the jurors say that therein they will speak the truth of the matter, and that the truth of the matter being heard, the Justiciars shall judge. However the jurors say that the said William Ranckil brought a writ of right against Ralph and Maude in the portmoot (*in portimoto*) ; and [that] at length Ralph and Maude came and vouched to warrant the son of the same Maude, who was present and who warranted to her ; and [that] immediately that son sold that land to the said William for one mark of silver ; and [that] when they saw this the said Ralph and Maude forbade the said William to buy this land, and the son of the said Maude to sell it ; and that the land was Maude's inheritance, and not her son's.

And Maude and her husband come and well acknowledge that they were in plea in the portmoot ; but [that] they never vouched Maude's son to warranty, because that land is the right of Maude.

The jurors, asked about this, say that that land is the right of Maude and not of her son. And therefore it is considered

<sup>1</sup> Knaresborough.

<sup>2</sup> *i.e.* the names of the pledges were not endorsed.

<sup>3</sup> Milby, near Boroughbridge.

that Ralph and Maude do have their seisin; and that William (*sic*) be in mercy.

Damage [assessed] by the jury: 4 shillings.

The assize comes to recognise if Bele, who was the wife of Reinfrid, and Michael de Duninton and Thomas and Adam sons of Reinfrid, and Robert Dod and Jordan the Milner, and Richard son of Lefnath, unjustly and without judgment dis-seised John son of Reinfrid of his free tenement in Daninton,<sup>1</sup> within the assize. And afterwards they made an agreement by licence, by which Bele quitclaimed to the said John that dower for three marks. And Gilbert the serjeant undertook to cause the said Bele to hold that land until John shall have given the three marks to her.

The assize comes to recognise what patron in the time of peace presented the last parson, who is dead, to the Church of Calverley, which is vacant as is said, the advowson of which Roger le Scot claims against the Archbishop of York and H[amo] the Treasurer of York. And the attorney of the Archbishop comes and says that he claims nothing in that advowson, nor does he claim anything in that church except the custody as of one which is vacant; and that the said Treasurer deforced him of that custody. And the said H[amo] says that the assize ought not to be made therein, because that church is not vacant; inasmuch as he is the parson of that church, as of that which Roger, Archbishop of York, assigned to the chapel of St. Mary which he built on the gate next the mother-church of St. Peter, of which chapel he himself is seised by the gift of the said Roger the Archbishop; and he produces the charter of the said Roger the Archbishop, in which it is contained that for the sustenance of the priests and clerks serving in the said Chapel of St. Mary, he [the Archbishop] provides for them many things both from his own gift and from the gift of others, amongst which he numbers the Church of Calverley of the gift of William Scot; it is contained also in that charter that the said priests and clerks ought to receive their sustenance by the hand of the sacristan of the said chapel of which the said [Hamo] is sacristan. He also produces another charter of the said Archbishop Roger, in which it is contained that he gave and granted to Hamo, the Precentor of York,<sup>2</sup> the sacristanship of the said Chapel

<sup>1</sup> Dunnington, near York.

<sup>2</sup> Apparently Hamo the Precentor was subsequently Hamo the Treasurer. He was Treasurer 1204-1216.



of St. Mary, so that he should therein arrange and order the service, and minister to the chaplains and deacons and subdeacons according to that which he has drawn up for them in respect of food and clothing in his charter, to wit in the charter which he [Hamo] first produced. Also he says that the Lord King formerly ordered that the Dean and Chapter of York should not answer concerning anything which belongs to their church, for as long as there is discord between the Archbishop and the Chapter, so that by that order they have often gone without day in many complaints before the Justiciars. To the first objection the said Roger [le Scot] answers that the said Archbishop unjustly confirmed to them the said church, because he was never in seisin thereof, nor could he give it; but [that] his grandfather,<sup>1</sup> William Scot, was seised thereof and presented two clerks, to wit Alexander and Jordan, who died parsons in that church; and of this he seeks a jury.

It is considered that the assize should not remain.

The jurors say that William Scot, grandfather of the said Roger Scot, gave that church to Roger, Archbishop of York, and that the said Alexander and Jordan were never parsons of the said church. Judgment: let the said H[amo] hold; and Roger be in mercy.

Muriel, who was the wife of Robert, offered herself on the fourth day against Everard son of Robert, touching the third part of two bovates of land with appurtenances in Pokelinton, which she claims in dower of the gift of Robert, formerly her husband. And he [Everard] has not come or essoined himself; and the summons was testified. Judgment: let that land be seized into the hand of the Lord King, and the day of the seizure [be certified] etc. And let Everard be summoned to be at the coming of the Justiciars for this etc. And Muriel puts in her place Geoffrey de Ponte, her father.

Gemina, who was the wife of William, offered herself on the fourth day against Alexander de Cleseby and Sarra his daughter in a plea of half an acre of land with appurtenances in Clesebi, which she claims in dower against them. And they have not come or essoined themselves; and the summons was testified. Judgment: let that land be taken into the hand of the Lord King, and the day of the seizure [be certified]; and let them [the defendants] be summoned to be at the coming of the Justiciars etc. And Gemina puts in her place William her son.

<sup>1</sup> In the roll *avus* is written above *pater*, which is crossed out.



The assize of mort d'ancestor between Peter de Birkin, plaintiff, and Roger de Birkin and the Abbat of Rivall,<sup>1</sup> tenants, concerning one carucate and a half of land in Schilenton,<sup>2</sup> remains, because Peter and Roger are brothers of one father and of one mother. And let Peter seek against Roger a writ of right, and against the Abbat a separate writ, if he wishes.

The pledges of John Butvinte [?]<sup>3</sup>—to stand to right and that he may not go away from the court<sup>3</sup> without the King's leave, in a matter that he brought before the King certain men who falsely essoined Ralph de Tilli against Eustace de Vesci—are Ralph de Tilli and Yvo de Rodham.

Robert Walensis came to the court and gave up to Roger Pictavensis land which belonged to Robert his brother, whereof he complained that he deforced him.

Simon de Niwela<sup>4</sup> came and gave up to Geoffrey Lutrel and his wife and his wife's sister one bovat of land . . . with appurtenances in Hoton, for two marks which Geoffrey must give him.

Humphrey Francus gave up to them six acres of land with appurtenances in the same vill ; and the said Geoffrey . . . one acre which before . . . . for six shillings.

[m 5 d.] Leticia, who was the wife of Thurstan, claims against Yvo de Garton the third part of one bovat of land with appurtenances in Cave as her dower of the gift of Thurstan, formerly her husband. And Yvo comes and does not deny that she was endowed thereof and that it is her dower ; nor does he show any defence. And therefore it is considered that she do have her dower, to wit the third part of that bovat of land.

Lecia, who was the wife of Walter, offered herself on the fourth day against Cecilia and Isabel and Beatrix, daughters of Walter, concerning her reasonable dower, to wit two bovates of land with appurtenances in Ebreston<sup>5</sup> of the gift of Walter, formerly her husband, in the same vill. And they have not come or essoined themselves. And the summons was testified. Judgment : let the land be taken into the hand of the Lord King, and the day of the seizure [be certified] etc. And let them be summoned to be before the Justiciars on the coming of the Justiciars etc. And Lecia puts in her place Fulk de Auberville.

<sup>1</sup> Rievaulx.

<sup>4</sup> Newhall.

<sup>2</sup> Probably Shitlington.

<sup>5</sup> Ebberston, near Pickering.

<sup>3</sup> *i.e.* out of the jurisdiction.

X Eva, formerly the wife of John, seeks against Hugh de Beldon her reasonable dower, to wit the third part of one carucate of land with appurtenances in Castelay of the gift of the said John, formerly her husband. They make a concord.<sup>1</sup>

Robert de Leisingeby<sup>2</sup> found the sheriff as pledge that he, Robert, and his fellows do pay to Emma daughter of Richard six marks, to wit three marks on the Thursday next before Ash Wednesday and three marks at Easter, by reason of a concord made between them.<sup>3</sup>

Beatrix, who was the wife of Richard, claims against Alan son of Thomas the third part of two bovates of land with appurtenances in Hegehoton,<sup>4</sup> which she claims in dower against him of the gift of the said Richard, formerly her husband, in the same vill. And he comes and says that she ought not to have dower therein, because the said Richard was not seised thereof on the day on which he married her, nor ever afterwards. And of this he puts himself on a jury of lawful men of the neighbourhood; and she likewise. Afterwards Alan son of Thomas withdrew without leave, and without waiting for the judgment. And therefore it is considered that that land be taken into the hand of the Lord King, and [that] he [Alan] be summoned to be before the King on the Monday next before Ash Wednesday to hear his judgment therein.

Maude, formerly the wife of William, offered herself on the fourth day against Hugh son of Robert and Modine, who was . . . . . [concerning] a messuage with appurtenances in Tresc,<sup>5</sup> which she claims in dower of the gift of the said William. [And] Hugh and Modine do not come or essoin themselves. Judgment: let the land be taken into the hand of the Lord King . . . . . and let Hugh and Modine be re-summoned to be on the coming of the Justiciars.

The Prior of Holy Trinity of York came and gave up to Geoffrey Lutrel and Frethesent his wife, [and to Isabel] the sister of Frethesent, two bovates of land with appurtenances in Hoton as the right of [Geoffrey, Frettesent], and Isabel. Which bovates of land the said Prior had of the gift of William Paniel.

<sup>1</sup> Printed in *Yorkshire Fines*, p. 85 (Feb. 23, 1203-4).

<sup>2</sup> Lazenby, near Northallerton.

<sup>3</sup> Printed in *Yorkshire Fines*, p. 81 (Feb. 19, 1203-4).

<sup>4</sup> Probably Hutton in the Hole. Called in *Kirkby* Hoton Underheg.

<sup>5</sup> Thirsk.



The Prior of Novo Burgo<sup>1</sup> puts in his place Peter de Bavill, his canon, against Geoffrey . . . . in a plea of land etc.

Hugh de Bilham came and gave up to Geoffrey Lutrel and Frethesent his wife, and . . . . one bovat of land with appurtenances in Hoton, and ten acres of land with appurtenances in the same vill, saving to the said Hugh this year's crop in the ten acres; because Jordan de Insula ought to be . . . . ten acres, and he shall have a writ for summoning him to warrant . . . . to him twenty shillings.

Roger son of Conan gives to the Lord King one mark for making an enrolment . . . . son of Stephen.

Hugh son of Walter gave up to Geoffrey Lutrel and Frethesent his wife, and Isabel her sister . . . . of land with appurtenances in Hoton, and whatever he had in the same vill, of the fee of Will . . . which Geoffrey ought to give him; and Hugh Cook gave up to him nine acres of land; and Camberlanus [?] recognised one bovat of land with appurtenances which he held in the said vill to be [the right of Geoffrey, Frethesent] and Isabel, and Geoffrey granted to him the third part . . . .

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#### ALSO HOLDERNES.

[m. 6.] Wimarce de Lambethorp appeals Walter son of Richard de Queldric<sup>2</sup> of rape, and does not go on. And therefore let her be seized. And Walter comes and gives to the King half a mark, by the pledge of Alexander de Midelton.

William Hog is appealed by Peter son of Adam. And he does not come; and he gives half a mark, by the pledge of Peter Hog his father, for having his judgment. And the judgment: let him go without day, and let Peter son of Adam be seized.

John the clerk of Mapiltun appeals Richard Porteus [?] of wound. And he does not come. And therefore let him be taken, and let Richard go without day. And the pledges of John for the prosecution are in mercy, to wit Simon de Stuttevill.

Richard Magnus appeals Walter Jurd' of Grimeston of a certain blow. And he came before the Justiciars and withdrew. And therefore let Walter go quit; and let Richard and his

<sup>1</sup> Newburgh.

<sup>2</sup> Wheldrake.



pledges for the prosecution be in mercy, to wit Alan son of Fulco de Gousle and Richard his brother. And Richard made a fine for his amercement for twenty shillings, by the pledges of Robert de Watsand and Stephen de Gousle.

Stephen the man of Hugh de Verli appeals Thomas de Gagrestede<sup>1</sup> and William son of Aldusa and Alan his brother and Stephen de Wlingham<sup>2</sup> of robbery. And he came and withdrew. And therefore he and his pledges for the prosecution are in mercy, to wit William Humping of . . . ., Gilbert de Forton of Siun [?]. And let William son of Basil and Thomas and the others, the appellees, go quit. The amercement of Stephen : twenty shillings, by the pledges of Hugh de Arece and Robert de Northorp.

Gilbert de Forton the serjeant is in mercy because he presented one [man] for another before the coroners, by the pledges of John de Beverlay and Robert de Haussam.

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#### IN THE WAPENTAKE OF DIKERING.

Ralph son of Martin de Breddelington appeals Walter Burdun of wound. And he does not go on. And therefore he and his pledges for the prosecution are in mercy, to wit Swain Belle and Henry de Wilardebi.<sup>3</sup> And Walter comes.

The same appeals<sup>4</sup> of the same violence Gilbert son of Leda de Berneston',<sup>5</sup> William Pincun', Robert Pincun' of Winketon, Hugh le Surreis, [and] Walter Keu. And Gilbert son of Leda does not come ; and therefore his pledges are in mercy ; and he likewise ; to wit William son of Viell de Winketon and Lambert his brother. And Hugh le Surreis was not found.

And the same appeals Osbert de Winketon, Stephen le Parcur, William de Acastr', Geoffrey son of Jordan, H. . . ., sons of William de Winketon of the same violence.

Let there be judgment against the jurors who have concealed these following complaints :

Emma daughter of Thomas de Grunall appeals Walter son of Robert son of Ketell de Skipse. And the said Walter is outlawed by the suit of the said Emma ; and he had no chattels.

<sup>1</sup> Gangstead, in the parish of Swine.    <sup>2</sup> Probably Willingham, in Lincolnshire.

<sup>3</sup> Willerby.    <sup>4</sup> In the margin is " Apud hostium Sancte Marie."    <sup>5</sup> Barmston.

And of a certain drowned man at Sculebrige whom Herbert son of Uctred found. And he [Herbert] does not come, and he was attached by Martin de Russe<sup>1</sup> and Peter son of Walter of the same vill. Afterwards Herbert comes.

Adam son of Peter de Burton appeals William de Rue<sup>2</sup> of wound, and also Philip de Tranebi of the same violence. And Philip gives half a mark for having his judgment, by the pledge of Everard de Whitwic. And William de Rue gives half a mark, by the pledge of Robert de Watsand, for having his judgment. Judgment: let William and Philip go without day, and let Adam be seized.

The vill of Killum<sup>3</sup> is an escheat of the King. But the sheriff shows such a writ:—J[ohn ?] etc., to the sheriff etc.

The vill of Hedun says nothing else than the jury of the Wapentake, except concerning receipted money (*de denariis refutatis*). Whereof let the sheriff answer for thirty-two pence.

Walter Revil [?] appeals Ralph de Mapelton of robbery. He put himself in mercy and [made] a fine.

William de Hore appeals Herbert de St. Quintin of robbery. And he put himself in mercy and then made a fine for two marks, by the pledges of Robert de Brusthall and John de Oketon. And Herbert and Ralph . . . . .

J[ohn, etc.]<sup>4</sup> Know that we have committed to the Abbat of . . . . . and to Richard Hoirum all matters of rent and possessions, as well ecclesiastical as lay, of the Lord Archbishop and the Dean and Chapter of Rouen in England,<sup>5</sup> for safe custody, and therefore we command you [the sheriff] that without delay you cause to be delivered to them all things within your bailiwick seized into our hands, for safe custody, until we shall otherwise order, so nevertheless that nothing thereof be moved in the mean time except the reasonable estovers of the said Abbat and Richard. Witness the Lord Bishop of Winchester at T . . . . , September 21st. By the same [*i.e.* the Bishop].

<sup>1</sup> Roos, in the middle division of Holderness.

<sup>2</sup> Routh.

<sup>3</sup> Kilham.

<sup>4</sup> This writ is obviously a continuation of the entry concerning the vill of Killum above.

<sup>5</sup> See Kirkby's *Inquest for Yorkshire*, p. 51: "In the same vill (Killom) there are 38 carucates of land which used to be in ancient demesne, and the Archbishop and Chapter of Rouen now hold them from the King in chief in free alms; and the King will have custody of the said 38 carucates of land after the death of the Archbishop."



HERTLE<sup>1</sup> WAPENTAKE.

Augustine de Walbi and Reynold son of Maude de Kave, serjeants, are in mercy, because they have not come to answer, to wit concerning ten shillings, by the pledges of Ralph de Walbi and Elena his wife.

Peter de Lokington appeals Hervey de Wattun of [a breach of] the King's peace ; and Roger son of Oseward of violence. And he does not go on ; and therefore let him be seized. Hervey gives one mark, by the pledge of Thomas de Ettun, for having his judgment, and . . . . go without day.

John de Cleving killed Hugh son of Ralph in his house, and fled on account of the death. And he is outlawed by [Peter] [?] Mungyebi . . . . . His chattels were four marks and forty pence, which the Hospitallers have received. And . . . randus de Everyk is outlawed at the suit of the same Peter, and he had no chattels.

The same Peter appeals Malger de Cleving of violence ; and Malger gives half a mark, by the pledge of Th[omas] Takel.

A certain boy was killed in the house of John son of Edward by a certain horse ; the price of the horse is half a mark and five shillings. Whereof let the sheriff answer. And Randulph de Divelgebi,<sup>2</sup> then the serjeant, is in mercy because he did not present the said horse to the coroners, by the pledge of Hugh Belle.

Richard le Saer appeals Robert de Kave of [the breach of] the King's peace ; and he does not go on ; and therefore let him be seized. And Robert comes and gives one mark, by the pledges of Randal son of William de Cave and Peter Tuschet, for having his judgment.

Aubrey daughter of William appeals William son of Roger de Belebi of rape ; and she does not go on ; and therefore let her be seized. And it is witnessed that she was bound and basely treated. William gives twenty shillings, by the pledges of William Selvain and Richard de Hay, for having his judgment. Judgment : let him go without day.

The vill of Belebi<sup>3</sup> is in mercy for default.

<sup>1</sup> Harthill.

<sup>2</sup> Probably Duggleby.

<sup>3</sup> Beilby, in the Holme-Beacon diyision of Harthill.



Aubrey wife of Walter the reeve appeals Martin son of Peter de Brunnebi<sup>1</sup> and Thomas his brother of the death of Walter her husband. Aubrey comes ; and the jurors suspect them of the death ; therefore let it be enquired by the county etc.

Emma daughter of Sigurith fell from a certain horse so that she died thereof. The price of the horse is delivered to the Canons of Wartre because she was their man [*i.e.* tenant].

Richard was drowned in a certain boat ; price of the boat

. . . . .

Lambert de Wattun appeals Marmaduke de Tueng of the death of his aunt (*matertera*). Lambert has [since] died. And Marmaduke gives one mark, by the pledge of John de Oketon, for having his judgment, as already arranged (*secundum preparatum*).

And the jurors say that he is not guilty, and was appealed by hatred of a certain . . . . .<sup>2</sup> and therefore let him go quit of that appeal.

Richard de Gartun appeals Reynold de Thorpe of [the breach of] the King's peace ; and he does not go on ; and therefore let him be seized ; and his pledges for the prosecution are in mercy, to wit Richard le Ferrur his father and Warin son of Peter.

The same appeals of violence Richard son of Bayard, Gilbert his brother, and Richard son of Osan.

Reynold de Thorpe [comes] on behalf of himself and [the others] and gives twenty shillings, by the pledge of William de Tameltun, for having his judgment. Judgment : let them go without day.

Geoffrey de Hulme appeals Geoffrey de Rottese<sup>3</sup> of [the breach of] the King's peace ; and he does not go on ; and therefore let him be seized ; and his pledges for the prosecution are in mercy, to wit William the Despenser. And Geoffrey de Rottese, attached by Walter de Rottese and William of St. Martin, does not come. And therefore he and his pledges are in mercy.

William son of Gamall de Middeltun appeals Peter Tuschet of . . . . . ; and he does not go on ; therefore let him be

<sup>1</sup> Burnby.

<sup>2</sup> *Bladi* in the original. Can this be a man's name ?

<sup>3</sup> Rotsea.

seized ; and his pledges for the prosecution are in mercy, to wit Walter son of Robert Galopin and William of St. James of . . . . . agal. And Peter gives one mark, by the pledges of William Tuschet and . . . . . son of Robert de Middeltun, for having his judgment. Judgment : let him go without day.

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ALSO HURTLE.

Roll 1539

[m. 6 d.]

The vill of Holme is in mercy because it has not presented . . . . . for judgment, concerning Roger son of Maude de Kave, of whose death . . . . . is suspected . . . . . by the pledges of William de Aivill and Ralph de Vallibus.

Gilbert de Tikehul appeals Vergall' and Walter . . . . . and Gilbert son of Hugh of [the breach of] the King's peace ; and he does not go on ; therefore let him be seized ; and the others go without day.

Thomas the clerk of Hajtun sold . . . . . contrary to the assize at Houeden ; and therefore he is in mercy . . . . . thirteen pence.

Hawise daughter of Gamell de Houeden appeals Thurston son of James of rape ; and she does not go on ; and therefore let her be taken. Thurstan gives one mark, by the pledges of Alan de . . . . .

Ernardus servant of the parson of Ruelai<sup>1</sup> killed Hugh son of Alan, and fled ; and he is suspected of the death. Let it be enquired by the county etc.; he had no chattels.

William the Cook of Willeton<sup>2</sup> [?] appeals David son of S . . . of [the breach of] the King's peace ; and Roger the Chaplain and John le Rider of the same violence ; and he does not go on ; therefore let him be seized ; and his pledges for the prosecution are in mercy, to wit Serlo son of Walter. And the Treasurer demanded the court Christian<sup>3</sup> concerning David and Roger ; and they have it. And John le Rider gives half a mark, by the pledge of Roger the reeve of Willeton, for having his judgment. Judgment : let him go without day.

Alan son of Dering and Hugh de Hesill killed Benedict the clerk, and fled ; and they are suspected of the death. Let it be enquired by the county etc.; they had no chattels.

<sup>1</sup> Rowley.

<sup>2</sup> Probably Bishop Wilton.

<sup>3</sup> In respect of "benefit of clergy."



Alice the wife of William Staikebutter was killed by a certain man and a certain woman ; and they were harboured at the house of the said William, and it is not known who they were.

And the jurors testify that they suspect William the husband of the said Alice of her death ; and therefore let him be taken into custody ; because they say that he was in the fields . . . . . and she stayed in the house ; and she [?] was told by [? his or her] mother that he should come with the woman [?] with a hatchet, so that she is dead thereof.<sup>1</sup> Judgment : let him purge himself by [the ordeal of] water ; and he escaped. [He gives] half a mark that he may remain in England, under the pledge of Geoffrey son of . . . . .

Agnes, who was the wife of Robert de Lathum, appeals Thomas at Kirk, Robert de Stuteville, Nicholas son of Ivo, Gerard his brother, Lambert his son, Roger [and] Alan his brother, Ivo [Chi]boll', Alexander son of William, William son of Everard, Thomas his brother and Auger Malvais, Simon son of Ivo, of violence concerning the death of Robert her husband ; and she does not go on ; and therefore let her be seized. And Lambert son of Gerard, attached by Martin de Fangefosse and Ralph son of William de Pokelington, does not come ; and therefore he and his pledges are in mercy. And Simon son of Ivo, attached by William Basset and William Rab . . ll', does not come ; and therefore he and his pledges are in mercy. And Ivo Chiboll gives half a mark, by the pledge of Thomas de Yoltun. And Alexander gives half a mark, by the pledge of . . . . . Yoltun, for having his judgment. And Roger and Alan give half a mark, by the pledge of Nicholas Basset [?]. And Thomas at Kirk gives half a mark, by the pledge of the same. And Robert de Stuteville . . . . . gives one mark, by the pledge of Walter de Bovinton, for having his judgment.

To judgment concerning the jurors who have concealed that Simon son of Ivo was appealed and . . . . . by the appeal of the said Agnes.

Rainer de Gartun appeals Ivo de Br . . . sham,<sup>2</sup> in that he in [breach of] the King's peace and wrongfully assaulted him where he was at Cave, and made on him a certain wound in . . . . . , and this he offers etc.

<sup>1</sup> The roll is here somewhat difficult to decipher.

<sup>2</sup> Possibly Brantingham.



The same appeals Hugh the reeve of Elreker,<sup>1</sup> in that he in [breach of] the King's peace, and wrongfully assaulted him, and gave him a certain wound in his head, and this he offers etc.

The same appeals John de Dreueton, in that he sent the said . . . . , and the said persons appealed of violence for the purpose of assaulting him, and that they went forth from his [John's] house, and after [the deed] was done returned to his house; and in that he himself gave him a certain wound in the leg; and this he offers etc.

And John denies the whole [of it] as a man who is maimed; and he says that on another occasion that plaint was before the Lord King, and he gave there 40 shillings for having judgment (*pro habendo purporto*), and he still seeks that . . . . , and prays that it may be allowed in his favour that [Rainer] now appeals him of wound, whereas before the Coroners he appealed him of violence only.

The same appeals Denis de Elreker, that he in [breach of] the King's peace and wrongly assaulted him, and gave him a certain wound in the haunch by a certain arrow; and this he offers etc.

The same appeals of violence Haldane son of William, John son of William, Hugh the Milner, Go . . . . son of . . . vase de Ripplingham, Laurence de Kave, William de Brentingham, and William son of . . . . .

Philip de Beellum<sup>2</sup> appeals Hugh the reeve of Elreker of a certain wound . . . . . before the Justiciars; and he withdrew, and said that he never appealed him but another.

Hugh Grenn' appealed the same Hugh the reeve. And the Coroners testify that the same Hugh . . . . . appealed him before them; and therefore he and his pledges for the prosecution are in mercy, to wit Jordan de Rugg and Gamel de Wirkesleye.<sup>3</sup>

The same appeals John de . . . . . of a certain wound in the hand . . . . . , and he says that he gave the said 40 shillings for having a record of that appeal.

<sup>1</sup> Ellerker, in the parish of Brantingham, near South Cave.

<sup>2</sup> Probably a form of Bewholme, in the parish of Nunkeeling, near Hornsea.

<sup>3</sup> Wortley.

The same appeals William son of Dere and Robert his brother, who came; and William de Jarpeville [?], who did not come and [who] was attached by Richard de Dreuton and Robert de Ethereswic,<sup>1</sup> and therefore he and his [pledges] are in mercy.

William son of Dere appeals Philip de Beellum, in that he in [breach of] the King's peace and wrongfully assaulted him, and gave him a certain wound in the haunch by a certain arrow. And Philip comes and denies . . . . .

Laurence de Daiville appeals Geoffrey de Beellum of mayhem; and Geoffrey [comes and denies] the whole of it, and says that on another occasion that plaint was before the Lord King, and that . . . . . was maimed [?].

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#### ALSO GILLING WAPENTAKE.

[m. 7.] Walter de Hickeling appeals . . . . ., and does not go on; and therefore let him be seized . . . . .

And Henry Crag gives a mark for having [his judgment] . . . . ., and Nicholas de Stapelton. And let Henry go . . . . .

Annacs son of . . . . . de Neusum<sup>2</sup> appeals Adam . . . . . [and does not] go on. And therefore let him be seized.

Geoffrey son of Beatrix de Bartun appeals Thomas son of R . . . . . [and Geoffrey] of robbery; and he does not go on. And he pledged himself to do so; and therefore let him be seized. And let Thomas and Geoffrey go . . . . .

Emma daughter of John appeals Amfrid the Smith of Bartun of the death of Simon her husband; and she does not go on; and therefore let her be seized. And Amfrid was not arrested, and nevertheless Andrew de Manegeb'<sup>3</sup> and his serjeants were ordered to seize him; and they said that he fled into Haliweres.<sup>4</sup> And the jurors say that he has not, he himself denying it (*ipse met hoc dedicare*), and that he remained in his house at Barton; and therefore Andrew and his serjeants are in mercy, to wit William Travers, Adam de

<sup>1</sup> Etherdwick, in the middle division of Holderness.

<sup>2</sup> Newsham.

<sup>3</sup> Maunby, in the parish of Kirby Wiske.

<sup>4</sup> Probably Durham (see Appendix II).

Manegebi, and William de Pikehal. The pledge of William Travers . . . . . The pledges of Adam . . . . . The pledges of William de Pikehal . . . . . Nicholas de Stapelton and Walter Haget. And Emma found pledges for the prosecution, to wit John Brito of Bartun; and she is in mercy. And Amfrid gives one mark for having his judgment according to the verdict of the jurors, who say that a long time before the husband of the said Emma died of . . . . ., and that Amfrid was appealed by hatred. The pledge for the amercement is Henry de Middelton. [Let] Amfrid [go] without day.

Alan de Mortham appeals William son of Roger of the same vill, in that he in [breach of] the King's peace and wrongfully gave him a certain wound in the hand. And this he offers to prove against him as the court shall consider. And Roger [? William] comes and denies the whole of it word by word. And he gives to the Lord King one mark for having an inquisition and his judgment.<sup>1</sup> And the said Alan acknowledges that he did not raise the cry (*non levavit clameum*). And the Coroners testify that he did not show the wound, save a certain scratch, which was healed. Wherefore they testify that this appeal has been made by hatred. And therefore it is considered that the appeal is null; and [that] William do go quit, and Alan be in mercy for 2 marks, by the pledges of Alan de Kirkebi and Robert de Bereford.<sup>2</sup>

Roaisia daughter of Hanell' appeals Simon son of Geoffrey of rape; and she does not go on; and therefore let her be seized; and let Simon go without day.

Henry de Bartun of Lonesdale appeals Alan de Ulflandes of Richemund, in that he broke his arm, so that he was maimed. And he does not go on. And therefore he is in mercy. And his pledges for the prosecution [are in mercy], to wit Richard the Mercer of Burton and Robert Main of the same vill, and Adam godson (*filiolus*) of Simon of the same vill. And since it is testified that he [Alan] was maltreated, let him [Henry] be taken into custody; but he made a fine for 3 marks, by the pledges of Adam de Kirkebi and Warin Travers and Robert de Bereford and Robert de Rokebi.

<sup>1</sup> In the margin is: "Plegii Willelmi de Junum [?], Walteri de Thorpe, Johannis [?] de Mortham."

<sup>2</sup> Barforth, in the parish of Gilling.



The same appeals Roger son of Simath de Richemund of the same arm broken elsewhere. And he made a fine for 30 shillings, by the pledges of William son of Simath and Richard de Trehamton<sup>1</sup>; and the same are pledges for the 30 shillings.

The same appeals Geoffrey the serjeant of the wapentake of Richemund of a wound made in his head in the said violence, and of robbery. And he made a fine for 30 shillings, by Norman son of Raun' and Adam son of Reynold. And they are pledges for the 30 shillings.

The same appeals Alan son of Thore and Stephen the Merchant and Peter the Fuller of Richemund of the said violence. And it was testified before the Coroners that . . . . . And each of those three gives one mark, by the pledge of William son of Simath.

A certain rick of corn fell on two girls so that they died. The price of the corn is 32 pence, for which the sheriff answers.

Hugh son of Robert de Hunderthwait appeals Geoffrey de Esebi of the death of a certain Geoffrey the Mercer; and he does not go on; and therefore let him be seized. And his pledges for the prosecution are in mercy, to wit Thomas son of Godfrey de Gilling for half a mark, [and] Roger son of Adam de Denet for half a mark, by the pledge of Andrew de Magnebi. And Geoffrey gives the King half a mark for having his judgment, by the pledge of Geoffrey de Colebrunn.<sup>2</sup> And the jurors say that Andrew, then the serjeant, caused him to be appealed; and [that] he is not guilty. And therefore let him go without day.

Aubrey daughter of Reynold appeals Robert son of Orm of rape; and she does not go on. Let her be seized; and let Robert go without day.

Ellen daughter of Henry the Priest appeals Alexander son of Ralph de Elreton of rape; and she does not go on. And Alexander is not yet found.

<sup>1</sup> The name occurs in the Lincolnshire eyre of 1202 (see Selden Society, *Select Civil Pleas*; also Kirkby's *Inquest*, p. 184).

<sup>2</sup> Colburn, in the parish of Catterick.

William son of Harding was drowned in [the] Wisc, and it was asked who was then the serjeant. And it was said that Hugh de Magnebi<sup>1</sup> [was]; and he denied it. Further consideration as to this. And Roger de Bartun, then the serjeant, [put] that plea in the county [court], as the Coroners testify; and he denied it, and therefore is in mercy half a mark, by the pledges of Wigan de Hereford<sup>2</sup> and Thomas de Barton.

Let there be judgment on the said Hugh for this, that the price of the horse, from which William was drowned, was not presented.

Malota daughter of Walter appeals Richard de Holdebi of rape, to wit that he seized her with violence in the house of Richard de Ascum, where she was with her father and her mother, and carried her off into a garden, and by violence lay with her and raped her virginity, and robbed her of chattels to the value of 21 shillings. And this she offers etc. And he [Richard] comes and denies the whole [of it] by the consideration of the court as a free man of S. Mary.

The same appeals of that violence Gikell son of Warin de Hotun. Let there be judgment concerning the jurors who have concealed that Gikell was appealed of that violence and other complaints following.

Roger de Daneby [?], father of William . . . . .

Thomas the forester of Kirkebi appeals Ernald Claudus of Upsale of the death of William his uncle, and of robbery; and he does not go on; and therefore let him be seized. And his pledges for the prosecution are in mercy, to wit Adam son of Dolfin de Nortun and Neil Norman of the same vill, and Richard de Neubi and Robert son of Stephen de Baldrebi. And since this appeal was made by Andrew de Magnebi and pledges for the prosecution were found by him, he is the pledge for the amercements of all the other pledges. And let Andrew be taken into custody; and Ernald go without day, because it was testified that he is not guilty of that appeal.

<sup>1</sup> Maunby.

<sup>2</sup> Hartforth, in the parish of Gilling.

## THE VERDICT OF RICHEMUND.

William de Munkebi<sup>1</sup> fled on account of the appeal of Serlo, an approver.<sup>2</sup> And he had chattels to the value of 3 shillings, for which the sheriff answers.

The township of Richemund is in mercy for 100 shillings, because they did not make their suit reasonably concerning the death of Hugh the Chaplain.

## [PICKERING LYTHE WAPENTAKE.]

[m. 7 d.] . . . . appeals Alan the clerk of Scartheburg of rape. And she does not go on. The pledge for the prosecution is in mercy. And Alan gives half a mark, by the pledge of Th[omas, for having his judgment]. And the judgment: let him go without day.

Hele . . . . appeals William son of Robert de Rostun<sup>3</sup> of rape. And she does not go on; and therefore let her be seized. [William gives] half a mark, by the pledge of Gilbert de Aton, for having his judgment. And the judgment: let him go without day.

Adam Burkiggill was outlawed at the suit of Margery wife of Hugh son of Richard de Wrelton, who appealed him of the death of Hugh her husband, because he cut his arms and legs with a certain hatchet.

Peter Pic of Hilderischef<sup>4</sup> was outlawed on account of the same death at the suit of the said Margery, who appealed him of a certain wound which he made him on the head mortally. And be it known that she sued against both the aforesaid persons similarly; nevertheless the county [court] outlawed Peter first, namely, on the Monday next after the octave of Saints Peter and Paul, in the 8th year [of King John], and afterwards she sued [? Adam] at four following county [courts], so that he was outlawed on the Monday next before the Purification, in the 9th year of King John. Therefore let there be judgment as to the county [court].

<sup>1</sup> See Gale's *Registrum Honoris de Richmond*, pp. 48, 245.

<sup>2</sup> See Appendix II.

<sup>3</sup> Ruston, near Scarborough.

<sup>4</sup> Hinderskelfe, in which township is Castle Howard.



Peter de Marton and Luke his brother fled on account of the death of Ralph de Normannebi, and they are suspected of that death. And therefore let them be outlawed. Their chattels are 25 shillings and one penny [on the one part], and 8 shillings on the other part, for which the sheriff etc.

Two men in the barn of Walter de Bovinton thrashed corn, and one to wit Simon struck William and fled. Let him be outlawed.

Walter son of Forn fell from his horse so that he died. And the horse was brought before the Justiciars.

The jurors say that Ralph de Bolebec made a purpresture on the Lord King in the wood which is called Rumald. And he [Ralph] said before the jurors and repeatedly that the wood was his own, and he . . . . .

The same made two forges in the moor of Stainfeld. But it is not known by what warrant. And he says that he pays thereof to the Lord King 12 pence a year. And he says that by Hugh de Nevill . . . . .

The vill of Pikering says nothing else than the wapentake says.

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### HANG WAPENTAKE.

John de Beauvair appeals Robert son of William of [breach of] the King's peace. And he does not go on. And therefore let him be seized.

The same appeals of that violence Adam son of Acer, Alan son of Ackemann, Gilbert Parker, Richard son of Gamell, Richard son of Margaret, Walter Belle, Hamo de Preston, William son of Alan, Laurence son of Ralph, [Henry] son of Roger, John his brother, Walter the Milner, William Snoder, Thomas son of the Smith and Gille . . M . . , William David, Gamell son of Richard, Robert the Swineherd. And he does not go on. Thomas son of the Smith does not come, and he was attached by William brother of Laurence and Robert son of William. And William Snoder does not come, and he was attached by Henry the Butler of Heselington and Gernagot de Toxton.

And Henry son of . . .<sup>1</sup> was attached by William brother of Henry and Laurence his brother. They do not come. And therefore they and their pledges are in mercy. And all the others come. And Robert and his men give 5 marks for having their judgment. Judgment: let them go without day. The pledges for the 5 marks are Gilbert de Plumton, Robert de Perham, Nicholas de Gerdeston.<sup>2</sup>

Ralph son of Ulf appeals Laurence de Preston of wound. And he does not go on. And therefore he and his pledges for the prosecution are in mercy, to wit Thomas Cardinal and Alexander de Lascel, Bertram Burdun. And Laurence gives 2 marks, by the pledge of Hamo son of Wimar and Alan de Crachale, for having his judgment. Judgment: let him go without day.

John son of Ede appeals Richard son of Margery of . . . .<sup>3</sup> And he does not go on. And William son of Ede appeals Gilbert de Preston of the same. And they do not go on. And therefore they are in mercy. And their pledges for the prosecution are in mercy, to wit Hugh de Boelton, John de Cawde<sup>4</sup> the forester, and Henry de Sildon.

Stephen son of Maude appeals Robert son of Copsi of a wound. And he does not go on. And therefore let him be seized. The same appeals of violence Ralph son of Ulf, Robert the reeve, Ralph de Ormesbi, Hugh son of Copsi and William his son. And all came save Ralph son of Ulf, who was attached by Ralph son of Jordan de Wandesleye<sup>5</sup> and Robert son of Gamell. And therefore they and their pledges are in mercy. And each of those five who came gives half a mark, by the pledges of Richard de Laibrunn<sup>6</sup> and Ralph de Ormesbi.

To judgment concerning the jurors who have concealed the pledges whom John de Beauveir put in his appeal. And they [the jurors] said that another appealed them; and they concealed that William son of John appealed the pledges, and they said that Stephen appealed them.

<sup>1</sup> Roger is struck out, and Gernagot [?] added.

<sup>2</sup> Garriston, in the parish of West Hawskwell.

<sup>3</sup> This looks like *hartis carrucis collatis*.

<sup>4</sup> Cawood.

<sup>5</sup> Wensley.

<sup>6</sup> Leyburn.

Maude daughter of Milisant appeals Jordan de Ackeford<sup>1</sup> of rape; and she does not go on; and therefore let her be seized. And Jordan gives half a mark, by the pledge of Roger de Asc, for having his judgment. And the judgment: let him go without day.

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BETWEEN OUSE AND DERWE(NT).

[m. 8.] Sibba daughter of William the clerk appeals William son of Hugh de Boelton, that he in [breach of] the King's peace seized her outside the vill of Q[ueldric], and lay with her forcibly, and beat her and made her bloody. And she immediately came to Queldric<sup>2</sup> and showed this deed to Alan Malecake and Walter de Beauvair, who testify to this. So the township of Queldric testifies that they heard it said that she raised the cry, and that she made a claim to the Coroners. They made an agreement for 20 shillings, which the said William gives to the said Sibba. And his amercement is pardoned. And the sheriff undertook to cause the said Sibba to have those 20 shillings on St. Martin's day. And the sheriff undertook that he shall then pay [them].

Geoffrey son of Hugh de Boelton appeals William Ang' of a wound; and Hugh and Robert his brother of violence. And he does not go on; and therefore let him be seized. And William gives, on behalf of himself and the others, half a mark, by the pledge of the Prior of Warter, for having his judgment. And the judgment: let them go without day.

Bertram Burdun appeals Geoffrey son of Geoffrey de Fitteling of robbery. And both come and put themselves in mercy. The pledge for the amercement of Bertram, namely half a mark, Alan Malecake. Pledge for the amercement of Geoffrey, William de Tueng.<sup>3</sup> Bertram is pardoned.

Agnes daughter of Adam Murdac appeals Reynold de Warter of a wound made on her husband; and William his brother and Gilbert son of Marmaduke of that violence.

<sup>1</sup> Hackforth, in the parish of Hornby.

<sup>2</sup> Wheldrake.

<sup>3</sup> Thwing.



And she does not go on ; and therefore let her be seized. And her pledge for the prosecution is in mercy, to wit Walter Prudfot of Queldric. And each of them gives half a mark, by the pledges of Alan Malecake and Richard Dagon [?].

The vill of Angotebi<sup>1</sup> is in mercy because it has not presented to the coroners Walter the clerk, killed in their vill. William son of Emma de Angotebi is suspected and fled concerning the death of Walter the clerk. And therefore let it be enquired by the county etc.

Simon de Naburn, accused of assaulting Jews in the water of Ouse, does not come ; and he was attached by . . . . . Afterwards he came.

Peter King of Bardelbi<sup>2</sup> accused of the same assault fled, and is suspected of that deed. Let it be enquired by the county etc. And he had no chattels.

Alan son of Roger appeals William Despenser of robbery. And he comes before the Justiciars and puts himself in mercy. And therefore he himself and his pledges for the prosecution are in mercy, to wit Peter de Stivelingflet<sup>3</sup> and Thomas de Dicton.<sup>4</sup> And let William go quit ; and Alan gives half a mark, by the pledge of Geoffrey Fossard.

Stephen de Stivelingflet,<sup>3</sup> who appeals Nicholas brother of William son of Thomas of [breach of] the King's peace, may go without day, because the jurors testify that the said Nicholas is dead.

Thomas son of John de Mickelgat is outlawed by the suit of Agnes daughter of Raghenild, who appealed him of rape.

Robert Kippekarl of Morbi<sup>5</sup> is suspected by the juries of the four townships of larcenies. And he was indicted at other assizes. And therefore let him purge himself by the ordeal of water.

<sup>1</sup> Osgodby, in the parish of Riccall, near Selby.

<sup>2</sup> Barlby, in the parish of Hemingbrough.

<sup>3</sup> Stillingfleet.

<sup>4</sup> Deighton, in the parish of Escrick.

<sup>5</sup> Moreby, in the parish of Stillingfleet.

William de Haya appeals Jordan, the clerk of Robert de Turnham, of [breach of] the King's peace. And he does not go on; and therefore let him be seized. And his pledge for the prosecution is in mercy, to wit Geoffrey de Auculent. And Jordan does not come; and therefore [he is in] mercy.

Hugh Stute [?] appeals Stephen Abraham of [breach of] the King's peace. And he does not go on; and therefore let him be seized. And his pledges for the prosecution are in mercy.

Walter son of William appeals John son of Walding of [breach of] the King's peace. And he does not go on; and therefore let him be seized. And John comes and gives half a mark for having his judgment, by the pledge of Henry son of Haldane de Hemingburg.

To judgment concerning the jurors who have concealed the fact that John Coli found a certain water-beast (*quendam aquaticum*) in the Use in the fields of Bar[delbi]. And he does not come; and he was attached by John de Rokesburg and Silvester de Wixtowe.<sup>1</sup> And therefore his pledges are in mercy.

Robert le Ferur appeals William son of Gilbert de Bardelbi<sup>2</sup> of robbery. And he does not go on; and he had pledged himself to do so. And William was attached by Henry son of Osbert de Osgotebi, Stephen son of Richard de Bardelbi, Siward son of Thomas of the same vill, Walkelin son of William of the same vill, and John son of Richard of the same vill. And [they are] in mercy.

Walter de Hameldun appeals Robert de Labere of robbery, and of the abduction of the wife of Sampson de la Pumeria [?]. And he does not go on; and therefore let him be seized. And his pledges for the prosecution are in mercy, to wit Sampson de Pomeria, Robert de la Falaise. And be it known that that plaint was put at Westminster by order of the Justiciars.

THE VERDICT OF THE VILL OF YORK IS IN THE  
PLEA ROLLS.

<sup>1</sup> Wistow, near Cawood.

<sup>2</sup> Barlby.

## ASSIZE ROLL No. 1048.

PLEAS AND ASSIZES OF NOVEL DISSEISIN BEFORE  
ROGER DE THURKELBY AND ADAM DE HIL-  
TON, JUSTICIARS, IN THE 36TH YEAR OF THE  
REIGN OF KING HENRY, SON OF KING JOHN.

[Memb. 1.] The assize comes to recognise if Thomas son of Maude unjustly etc. disseised Alan Malecake of his free tenement in Akastre after the first etc. And thereof he complains that he disseised him of one perch of land in breadth and eight perches of land in length. And Thomas comes and says nothing why the assize should remain, except only that he says that the said Alan never was in seisin thereof so that he could be disseised thereof. And of this he puts himself on the assize. And William son of Hugh, Henry Hamelin, Henry de Thorpkime,<sup>1</sup> and William de Waleton, jurors, do not come. Therefore [they are] in mercy. Henry de Thorp' is remitted at the instance of A. de Wausand.

The jurors say that the said Thomas did not disseise the said Alan of the said tenement, which he put in their view, unjustly etc.; because they say that the said Alan never was in seisin thereof so that he could be disseised. And therefore it is considered that the said Thomas [do go] thence without day; and [that] Alan do take nothing by that assize, but be in mercy for a false claim.

The assize comes to recognise if Peter son of William de Bowelton, Ralph de Herneby,<sup>2</sup> and Robert the Serjeant unjustly etc. disseised Roger son of Geoffrey de Rydal and Cassandra his wife of their free tenement in Kirkebowelton after the first etc. And thereof they complain that they disseised them of one acre of land with appurtenances. And Peter and the others come and say that he himself [Roger] is in seisin thereof. And Roger and Cassandra acknowledge this. Therefore Peter and the others go without day. And Roger and Cassandra are in mercy for a false claim. It is pardoned on account of poverty.

<sup>1</sup> Possibly Pallethorpe, in the parish of Bolton Percy. The manor was held by Philip de Kyme in 1284-5. (See Kirkby's *Inquest*, p. 25.)

<sup>2</sup> Harmby, in wapentake of Hang West.



The assize comes to recognise if William the Palmer, brother of Ralph de Saldene,<sup>1</sup> was seised in his demesne etc. of one toft with appurtenances in Sneyton,<sup>2</sup> on the day on which etc.; and if etc.; which toft Juliana daughter of Adam de Roston holds. Who comes; and they made an agreement by licence. And the concord is such that the said Ralph remitted and quitclaimed for himself and his heirs to the said Juliana and her heirs all the right and claim which he had in the said toft for ever.

John the parson of the church of Hulme, who brought an assize of novel disseisin against Isolda, who was the wife of Thomas de Belver', concerning his common of pasture in Holm', which belongs to his free tenement in the said vill, does not go on. Therefore he and his pledges for the prosecution [are] in mercy, to wit William de Greymby and John de Arnest. It is pardoned at the instance of W. de Thurkelby.

The assize comes to recognise if Stephen de Meynill unjustly etc. disseised the Prior of Giseburgh of his free tenement in Eston after the first etc. And thereof he complains that he disseised him of 60 acres of land with appurtenances. And Stephen comes and says that the assize ought not to be made thereof, because he says that the said Prior holds that land, and always has stood in seisin thereof; and the said Stephen claims nothing of the said land in demesne. And William de Piketon, William de Mubray, John de Normanby, and John de Pothow,<sup>3</sup> recognitors, do not come; therefore [they are] in mercy. And Hugh le Cyselyur [is] in mercy for trespass, and is amerced at one mark.

The jurors say on their oath that the said Prior is in seisin of the said land whereof he complains to be disseised, nor has the said Stephen ever prevented him from being able to cultivate that land and make his profit thereof; but he did not allow the said Prior to use (*habere*) his [Stephen's] drive (*chacia*) to the pasture pertaining to the said land. Wherefore they say that the said Stephen did not disseise him of the said tenement, which he put in their view, unjustly etc. And therefore it is considered that the said Stephen do go without day, and [that] the said Prior do take nothing by that assize, and be in mercy for a false claim.

<sup>1</sup> Sawdon.

<sup>2</sup> Probably Snainton.

<sup>3</sup> Potto, near Stokesley.

Thomas son of Thomas de Odestorp<sup>1</sup> gives one mark for licence of concord with John le Westreys and Aubrey his wife and his parceners, in a plea of land, by the pledges of the said John. Let them have a chirograph.

The assize comes to recognise if Matthew de Shepel' unjustly etc. disseised Roger de Berk of his free tenement in Berk (*sic*) after the first etc. And thereof he complains that he disseised him of 2 acres of meadow with appurtenances. And Matthew comes and says that the assize ought not to be made thereof; because he says that the said Roger sold to him the said land, and put him in full seisin thereof of his own free will; and of this he puts himself on the assize.

The jurors say on their oath that the said Matthew did not disseise the said Roger of the said tenement; because they say that he [Roger] sold the said tenement to the said Matthew, and freely put him in seisin. And therefore it is considered that the said Matthew [do go] thence without day; and that the said Roger do take nothing by that assize, and be in mercy for a false claim.

Nicholas de Hoby,<sup>2</sup> who brought an assize of novel disseisin against Richard Maunsel, concerning a tenement in Brudeford,<sup>3</sup> came and withdrew. Therefore he and his pledges for the prosecution are in mercy, to wit Reyner de Goldeburg and William de Dalton. The amercement is pardoned to him by the Justiciars on behalf of John Maunsel.

The assize comes to recognise if Nicholas de Elferby<sup>4</sup> and Adam le Arblaster unjustly etc. disseised Richard de Munceus of his common of turbary in Mikelby, which belongs to his free tenement in the said vill, after the first etc. And thereof he complains that they disseised him of a certain turbary which contains about 200 acres, where he himself was wont always to common. And Nicholas and Adam come and say nothing why the assize should remain.

The jurors say on their oath that the said Nicholas and Adam did not disseise the said Richard of the said turbary unjustly etc.; because they say that he himself

<sup>1</sup> Perhaps Owsthorpe, in the parish of Pocklington.

<sup>2</sup> Huby, near Easingwold.

<sup>3</sup> Birdforth, in the parish of Coxwold.

<sup>4</sup> Ellerby, in the parish of Lythe.



is in seisin of the said turbary at his will. And therefore it is considered that the said Nicholas and Adam [do go] thence without day, and that Richard do take nothing by that assize, and be in mercy for a false claim.

The assize comes to recognise if Philip de Faukenberge unjustly etc. raised a certain dam (*stagnum*) in Apelton<sup>1</sup> to the nuisance of the free tenement of the Master of the Knights Templar in England in the said vill after the first etc. And thereof he complains that by reason of that dam water overflows over his meadow and ~~land~~, and submerges his corn and his hay. And Philip comes and says nothing why the assize should remain, except only that he says that he himself holds the said dam in the same state in which he and his antecessors held it. And of this he puts himself on the assize.

The jurors say on their oath that the said Philip raised the said dam in the said vill to the nuisance of the free tenement of the said Master in the said vill unjustly etc., as the writ says. And therefore it is considered that the said dam be taken down at the cost of the said Philip, so far as it was to [the Master's] nuisance by view of the jurors; and [that] Philip be in mercy. Damages half a mark.

Simon de Steynegrive puts in his claim in 15 acres of land in the vill of Newhay, whereof a chirograph was made between the Prior of Drax and the Prior of Wyrkeshop.

Emma Wudecok puts in her place William de Stokesle against the Abbat of Byland in a plea of warranty.

The Prior of Ellerton puts in his place Brother Hugh de Wyghton,<sup>2</sup> his canon, against John Hay in a plea of assize.

John de Camera and Isabel his wife put in their place William de Hulme against Reyner de Burg and Joan his wife and others [named] in the writ, in a plea of mort d'ancestor etc.

The Prior of Malton puts in his place Brother John de Pikering or Roger de Wilegheby against Margery de Wylegheby in a plea of novel disseisin, and against Geoffrey the Cook of Lengeby<sup>3</sup> in the same [plea].

Ralph, the parson of the church of Thornore, puts in his place . . . . .

<sup>1</sup> Nun Appleton.

<sup>2</sup> Weighton.

<sup>3</sup> Probably Slingsby, *cf.* p. 76.



Margery wife of Robert of . . . . . puts in her place Robert her husband against the Abbat of St. Mary's, York, and others, contained in the writ, in a plea of novel disseisin, wherein they are plaintiffs, and against Roger de Wassand and against Alan de Rungeters [?] etc., in the same plea by diverse writs.

[m. 12.] The suit between Thomas de Moleton, plaintiff, and the Abbat of Furness, whom Thomas de Greystok and Agnes his wife vouched to warranty, and who [warranted to them] in a plea of wardship, is put in respite until the octave of St. Michael at Westminster, because the said Abbat is in parts beyond seas, and has letters of protection of the Lord King to last until the said term.

The assize comes to recognise if Roger Pilkebene and Robert his brother, William son of Azonisa, Gregory the Cordwainer, and William Pilve unjustly etc. disseised Nicholas le Bel of his free tenement in the town of Pontefract, after the first etc. And thereof he complains that they disseised him of a messuage with appurtenances. And Roger and all the others come and say that the assize ought not to be made thereof; because they say that the said messuage was the right and inheritance of a certain Clarice who died seised thereof; and [that] the said Nicholas intruded into the said messuage who had no right in it; and [that] they ejected the said Nicholas, and put the right heir of the said Clarice in seisin of the said messuage; and of this they put themselves on the assize.

The jurors say on their oath that the said Roger and the others did not disseise the said Nicholas of the said messuage unjustly etc., for they say that the bailiffs of the castle of Pontefract ejected him from the said messuage, and not the said Roger, Robert, and the others. And therefore it is considered that the said Roger and the others [do go] thence without day; and that Nicholas do take nothing by that assize, and be in mercy for a false claim, by the pledges of John the Chamberlain of Pontefract and Henry son of Silurinus.

The assize comes to recognise if Geoffrey Agelyun unjustly etc. disseised Gerard Salveyn and Joan his wife of their free tenement in Besewyk after the first etc. And thereof they complain that he disseised them of a certain piece of meadow which contains about 20 perches in length and one perch in breadth. And Geoffrey comes and

says nothing why the assize should remain, except only that he says that the said Gerard and Joan never had any free tenement in the said vill whereof he [? they] could be disseised.

The jurors say on their oath that the said Geoffrey disseised the said Gerard and Joan of the said meadow, which he [? they] put in their view, unjustly etc., as the writ says. And therefore it is considered that the said Gerard and Joan do recover their seisin by view of the jurors; and that Geoffrey be in mercy. The damages are remitted to him.

Robert de Fritheby<sup>1</sup> acknowledged that he owes to Robert de Thorney 14 marks and a half, of which he will pay him a moiety at the feast of St. Michael in the 36th year [of the reign of K. Henry III], and the other moiety at Easter next following; and unless he does this he concedes that the sheriff shall cause [it to be levied] of his lands etc.

Philip de Faukenberg<sup>2</sup> acknowledged that he gave and granted and confirmed by his charter to Gaceus de Chaumum<sup>3</sup> his chief (*capitalis*) messuage in Colton, which formerly belonged to William de Scoteny, with the toft and close of meadow belonging to the said messuage, to have and to hold to the said [Gaceus] and his heirs or assigns of the said Philip and his heirs peacefully and wholly, with free ingress and egress, as the said messuage and said croft and meadow are enclosed with hedges and ditch both in length and breadth, for ever; paying therefor yearly to the said Philip and his heirs one penny at Easter, for all service and exaction. And the said Philip warranted to the said Gaceus the said messuage, as is more fully contained in the charter which the said Gaceus has from the said Philip.

The assize comes to recognise if Maude la Neyre unjustly etc. disseised Stephen de Heytfeud<sup>4</sup> of his free tenement in Erghum<sup>5</sup> after the first etc. And thereof he complains that she disseised him of a certain piece of meadow, which contains about 18 feet in length and 17 in breadth. And Maude does

<sup>1</sup> Firby.

<sup>2</sup> Son of Peter de Falconberg of Rise, and husband of Cecily daughter of William Scotney.

<sup>3</sup> G. de Chaumond or de Calvo Monte; mayor of York in 1256. (See Kirkby's *Inquest*, p. 217.)

<sup>4</sup> Hatfield, in Holderness.

<sup>5</sup> Arram,



not come, and was attached by Hugh le Neyr and Henry le Neyr. Therefore she is in mercy, and let the assize proceed against him [? her] by default.

The jurors say on their oath that the said Maude disseised the said Stephen of his free tenement unjustly etc., as the writ says. And therefore it is considered that the said Stephen do recover his seisin by view of the jurors; and Maude be in mercy.  
Damages: 2 shillings.

The assize comes to recognise if Peter de Mauley, Albricus the Serjeant, John Wyles, Robert Godal, Thomas son of Arnebraunk de Lund, Peter de Lund, Walter son of Gervase de Clif, William de Rykhal, Peter son of William son of Cok, Ranulf the Milner, John son of Nisanc', Robert his brother, Walter son of Allok, William Starre, and Adam son of Walter Abot unjustly etc. disseised Emma Wastehos of her common of pasture in Bouloudewra, which belongs to her free tenement in Duffeud<sup>1</sup> after the first etc. And thereof she complained that they disseised her of common of pasture in a certain wood which contained about 20 acres, where she was wont always to common. And Peter and the others do not come, but John de Goton,<sup>2</sup> bailiff of the said Peter, comes and answers for him and all the others, and says that the assize ought not to be made thereof, because he says that Boulourdewra, where she complains to have been disseised, is a certain place, and is not any vill. And Emma cannot deny this. And therefore it is considered that the said Emma do take nothing by that assize, and be in mercy for a false claim.

The same assize by the same recognitors comes to recognise if Nicholas, formerly Bishop of Durham, Thomas de Barewe, bailiff of Houeden, Robert de Hakethorp, John de Clif, Gilbert of the Garden (*de gardino*), Walter Reysun, reeve of Clif, Adam his son, William Kech, Robert son of Adam, Geoffrey son of Norman, William Starre, and Adam son of Geoffrey unjustly etc. disseised Emma Wastehos, Anketill de Thorenton, and William de Bilton of their common of turbary in Duffeud, which belongs to their free tenement in the same vill after the first etc. And thereof they complain that they disseised them of common of turbary in a certain piece which contains about 10 acres, where they were wont always to common.

[m. 2.] The assize comes to recognise if John de Merton and Agnes his wife unjustly etc. disseised Robert son of Thomas

<sup>1</sup> Duffield.

<sup>2</sup> Goulton, near Stokesley.



de Acum<sup>1</sup> and Alice his wife of their free tenement in Knapton after the first etc. And thereof they complain that they disseised them of the third part of one toft of 2 shillings rent and one bovat of land, and of the third part of 24 acres of land with appurtenances. And John and Agnes came and say nothing why the assize should remain, except only that they say that the said Robert and Alice never were in seisin thereof so that they could be disseised.

The jurors say that the said John and Agnes did not disseise the said Robert and Alice of the said tenement, which they put in their view, unjustly etc. And therefore it is considered that the said John and Agnes [do go] thence without day; and Robert and Alice be in mercy for a false claim etc.

The assize comes to recognise if Henry de Thorp unjustly etc. disseised Joan daughter of John de Pikehal of her free tenement in Rokysby<sup>2</sup> and Pykehal after the first etc. And thereof she complains that he disseised her of one toft and one croft and the third part of one acre and the half of a rood of land with appurtenances. And Henry comes and says nothing why the assize should remain, except only that she [Joan] never was in seisin so that she could be disseised. And of this he puts himself on the assize etc.

The jurors say that in truth the said Joan and a certain Lucy, her sister, elsewhere before the Justiciars itinerant here, impleaded the said Henry and his wife, the sister of the said Joan and Lucy, concerning 25 acres of land as the reasonable share of the said Joan and Lucy, so that the said Henry and his wife came in the same court and said that they claimed nothing in the said land except by feoffment of the said John, the father of the said Joan and the others, so that it was considered in the same court that Richard [? Henry] and his wife should hold the said land in peace, and that the said Joan and Lucy should hold themselves content concerning their share (of which they were in seisin) of that which their father died seised, and that the said tenement was of the purparty (*proparte*) of the said Joan.<sup>3</sup> Wherefore they say that the said Henry

<sup>1</sup> Acomb, near York.

<sup>2</sup> Roxby, in the parish of Pickhill, near Bedale.

<sup>3</sup> *i.e.* the land, the subject of the present complaint, was part of Joan's admitted share.

disseised the said Joan of the said tenement, which she put in their view, unjustly etc., as the writ says. And therefore it is considered that the said Joan do recover her seisin against him [Henry] by view of the recognitors; and Henry be in mercy, by the pledge of Adam de Aynderby.

Damages: 2 shillings.

The Master of the Hospital of St. Leonard of York gives one mark for licence of concord with Luke de Flathe-wath<sup>1</sup> and Agnes his wife, in a plea of land; and let them have the chirograph.

The assize comes to recognise if Thomas de Boulton and Eleanor his wife, William de Barton and Isabel, who was the wife of Ralph of Hoton, unjustly etc. disseised John son of Alan of Hotone Colsweyn<sup>2</sup> of his free tenement in Hoton Colsweyn after the first etc. And thereof he complains that they disseised him of one bovate of land with appurtenances. And not one of them comes except the said William de Barton, who answers for himself and all the others, as their bailiff, and says nothing why the assize should remain etc.

The jurors say that the said Thomas and the others did not disseise the said John of the said tenement, which he put in their view, unjustly etc., because they say that he never was in seisin thereof so that he could be disseised. And therefore it is considered that the said Thomas and the others [do go] thence without day; and John be in mercy for a false claim; he is poor.

Thomas de Thorenton gives one mark for licence of concord with Robert de Verdenall<sup>3</sup> in a plea of rent, by the pledge of the said Robert. And let them have the chirograph etc.

The assize comes to recognise if Reynold de Thorp unjustly etc. disseised Maude de Watervill of her free tenement in Brentingham after the first etc. And thereof she complains that he disseised her of the third part of one bovate of land with appurtenances. And Reynold comes and acknowledges the disseisin. Therefore it is

<sup>1</sup> Flawith, Bulmer wapentake.

<sup>2</sup> Hutton-upon-Derwent, or Low Hutton.

<sup>3</sup> Bailiff of York, 1253-4. (See Kirkby's *Inquest*, p. 270.)



considered that the said Maude do recover her seisin against him ; and [that] Reynold be committed to gaol.

Damages : 5 shillings.

The assize comes to recognise if Nicholas, formerly Bishop of Durham, Robert Russel, Thomas de Barwe, Richard Forn', Walter son of Alice, Adam Skutard, Robert le Feure, Walding son of Jordan, Thomas son of Rikelot, John the Smith, Geoffrey le Mentur, Peter son of Richard, Robert son of Hugh, Hugh son of Alan, William son of Robert Reed, Walter son of Adam, Walter son of William, and Luke son of Richard unjustly etc. disseised William de Skipewhyt and William de Averanches of their free tenement in Skypewhyt after the first etc. And thereof they complain that they disseised them of 30 acres of wood and moor. And the Bishop does not come, but Thomas de Barwe, his bailiff, comes and answers for the said Bishop and for all the others. And he says that if any disseisin had been made to them, it was not [made] by the said Bishop nor by the others, because he [the Bishop] held the said tenement in the same state in which he found it when the Lord King conferred the episcopate of Durham on him. And of this he puts himself on the assize.

The jurors say that the said Robert Russel and all the others, except the said Nicholas the Bishop and Thomas de Barwe, disseised the said William and William of a certain part of the said tenement which he [they] put in their view, to wit about 20 acres, unjustly etc., as the writ says. And therefore it is considered that the said William and William do recover their seisin against them by view of the recognitors ; and [that] Robert and all the others, except the said Bishop and Thomas, be in mercy, and William and William likewise be in mercy for a false claim against the said Bishop and Thomas, and likewise because they put more in their view than that of which they had been disseised. Damages : 1 mark.

The assize comes to recognise if Helewise de Thorp unjustly etc. disseised the Master of the Hospital of St. Leonard of York of his common of pasture in Thorp, which belongs to his free tenement in Eskelby, after the first etc. And thereof he complains that she disseised him of his common in a certain marsh which contains about four score acres, where he was wont always to common.



And Helewise comes and says nothing why the assize should remain.

The same assize by the same recognitors comes to recognise if the said Helewise unjustly etc. disseised William de Eskelby of his common of pasture in Thorp,<sup>1</sup> which belongs to his free tenement in Eskelby, after the first etc. And thereof he complains that she disseised him as above. And Helewise comes and says nothing why the assize should remain, except only that she says with regard to each assize that no common in Thorp belongs to any tenement in Eskelby; and in like manner she says that if any disseisin was made to them it was not [made] by her, because she holds herself in such seisin as [that] in which her antecessors died seised. And of this she puts herself on the assize.

The jurors say in respect of each assize that the said Helewise disseised both the said Master and the said William of the said common of pasture, which they put in their view, unjustly etc., as the writ says. And therefore it is considered that the said Master and William do recover their seisin against her by view of the recognitors; and [that] Helewise be in mercy.

Damages against the Master 1 mark, and against William 2 shillings.

Ernisius son of Dionisia de Elreker puts in his place Richard de Warrewik against John de Kava in a plea of warranty of charter.

The Abbat of Kyrkestall puts in his place Alan de Kirkestal, or Gilbert de Braycewell, against Richard of the Moor and Alice his wife, [and] Simon de Montalt in a plea of wardship etc.

Gilbert de Gaunt puts in his place Stephen the clerk, or Robert de Folkingham, against Henry son of Ranulf in a plea of a fine made etc.

Olivia, who was the wife of Elyas de Belreby, puts in her place Wymer de Elreton, or Roger le Fraunceys, against John son of Elyas de Belreby and others named in the writ in a plea of dower etc.

William Malebisse puts in his place . . . . .

<sup>1</sup> Perhaps Allerthorpe.

[m. 2 d.] The assize comes to recognise if John de Clervaus unjustly etc. raised two banks in Croft to the nuisance of the free tenement of John Shirlok in the same vill after the first etc. And thereof he complains that where he was wont to have his drive (*chacia*) and way (*chiminum*) for his wagons and carts and for his beasts, he is prevented by that bank from being able to have his drive as he was wont to have; and that he [John de C.] enclosed with a bank about one acre and a half of land where he was wont to common. And John comes and says nothing why the assize should remain, except only that he says that where he [John S.] says that he ought to have a drive to his pasture there, he [John de C.] was wont to have a certain park (*vivarium*) in the time of his father, and [that] it is now in the same state as it was in which his father held it; and concerning the other bank he says that he enclosed nothing with a bank except only that he enlarged his court with a certain wall. And of this he puts himself on the assize.

The jurors say that the said John de Clervaus did not raise any bank in the said vill of Croft to the nuisance of the free tenement of the said John Shirlok; but in truth they say that he raised two walls for enlarging his court. And therefore it is considered that the said John de Clervaus do go thence without day; and [that] John Shirlok do take nothing by that assize and be in mercy for a false claim, and that he should obtain another writ if he wishes.

The assize comes to recognise if Helewise de Thorpe unjustly etc. disseised Thomas de Fritheby<sup>1</sup> of his common of pasture in Thorpe,<sup>2</sup> which belongs to his free tenement in Fritheby, after the first etc. And thereof he complains that she disseised him of his common of pasture in a certain marsh which contains about 100 acres, where he was wont always to common. And Helewise comes and says that the assize ought not to be made thereof, because she says that no common of pasture in Thorpe belongs to any free tenement in Fritheby. And of this she puts herself on the assize. And no recognitor made a view of the said pasture. Therefore let the assize remain to be taken on the coming of the Justiciars.

<sup>1</sup> Firby.

<sup>2</sup> Perhaps Allerthorpe.

The assize comes to recognise if Ralph son of Stephen and Herbert son of William unjustly etc. disseised John the Clerk of his free tenement in Doniton<sup>1</sup> after the first etc. And thereof he complains that they disseised him of a rent of 6 shillings, with appurtenances. And Ralph and Herbert come and acknowledge the disseisin. Therefore it is considered that the said John do recover his seisin; and Ralph and Herbert be in mercy for the trespass.

The assize comes to recognise if Alexander de Norwic unjustly etc. disseised Hugh de Steynford of his free tenement in Fiskelake after the first etc. And thereof he complains that he disseised him of one bovat and a half of land, with appurtenances. And Alexander comes and says nothing why the assize should remain.

The jurors say that the said Alexander did not disseise the said Hugh of the said tenement, which he put in their view, unjustly etc.; because they say that he never was in seisin thereof so that he could be disseised thereof. And therefore it is considered that the said Alexander do go thence without day; and Hugh be in mercy for a false claim, by the pledge of Adam de Bladwurth, the bailiff.

John de Frismareys<sup>2</sup> sought, on the Tuesday next after the [feast of] the Exaltation of Holy Cross, his land by plevin, which had been taken into the hand of the Lord King for a default which he made against W. Archbishop of York; and he has [it].

The assize comes to recognise if John Hay, Remigius de Pokelinton, Peter de Linton, German Hay, Henry Hay, and William Glede unjustly etc. disseised the Prior of Ellerton of his free tenement in Acton<sup>3</sup> and Ellerton after the first etc. And thereof he complains that they disseised him of one acre of land with appurtenances.

The jury of 24 for convicting the 12, between Geoffrey son of John de Melton, plaintiff, and William de Percy, of Kildale, and others [named] in the writ, is put in respite until the next coming of R. de Thurkelby into those parts, because the jurors of that jury have not come etc.

<sup>1</sup> Dunnington, near York.

<sup>2</sup> Frismarsk, a lost town on the Humber.

<sup>3</sup> Aughton.



The assize comes to recognise if Robert de Hothum unjustly etc. disseised Maude de Beauver of her free tenement in Holme after the first etc. And thereof she complains that he disseised her of the third part of 60 acres of wood, with appurtenances. And Robert comes and acknowledges the disseisin. Therefore it is considered that the said Maude do recover her seisin; and [that] Robert be committed to gaol. And the said Maude remits her damages; the amercement is pardoned to him because he is poor.

*Roll*  
*248* [m. 3.] The assize comes to recognise if John the Chaplain unjustly etc. disseised Maude la Forester of her free tenement in Seleby after the first etc. And thereof she complains that he disseised her of the third part of one messuage, curtilage, and croft, with appurtenances. And John does not come, but Robert le Messenger comes and answers for him as his bailiff; and he says that the assize ought not to be made thereof, because he says that he [John] impleaded her [Maude] in the court of the Abbat of Seleby concerning the said tenement, by the writ of right of the Lord King; so that he recovered the said tenement against her by default; and [that] she afterwards remitted to him the whole right and claim which she had in the said third part by her charter, which he produces, and which testifies this. And the jurors on their oath testify this. And therefore it is considered that the said Maude do take nothing by that assize, but be in mercy for a false claim; [she is] poor.

Ralph son of Theobald and Ralph son of Stephen sought, on the Thursday next after the Nativity of the Blessed Mary, their land by plevin, which was taken into the hand of the Lord King for a default which they made against Thomas de Boulton and Eleanor his wife. And they have etc.

The Prior of Marton gives one mark for licence of concord with Maude Albyn in a plea of warranty of charter. And they have the chirograph etc.

*36*  
*414* Thomas de Tanestern, Elyas de Brunneby, Robert Parcok, Thomas de Neubold, and Walter de Mukelfeld, jurors, are in mercy because they have not come etc.

*1052* William son of Robert de Wudewuse gives 20 shillings for licence of concord with Henry Pincun and Laurencia his wife in a plea of warranty of charter, by the pledge of the said Henry. And they have the chirograph etc.

The assize comes to recognise if Richard de Wytewell unjustly etc. disseised Emma daughter of Henry de Norham of her free tenement in Shupton after the first etc. And thereof she complains that he disseised her of one perch of land in breadth and 10 perches in breadth [length]. And Richard comes and says nothing why the assize should remain. And John son of Ivo, one of the jurors, is in mercy for talking foolishly (*pro stultiloquio*), and is amerced at one mark etc.

The jurors say that the said Richard did not disseise the said Emma of the said tenement, which she put in their view, unjustly etc., because they say that she never was in seisin so that she could be disseised. And therefore it is considered that the said Richard do go thence without day; and [that] Emma do take nothing by that assize, but be in mercy for a false claim etc.; she is poor.

Geoffrey le Bret, who brought a writ of novel disseisin against Simon le Bret concerning his free tenement in Carleton, does not go on. Therefore he and his pledges for the prosecution are in mercy, to wit Robert de Nunnewik and Richard le Bret.

The assize comes to recognise if Gwido de la Lunde and Alice his wife unjustly etc. disseised Ralph de Gayteford of his common of pasture in Gayteford, which belongs to his free tenement in the said vill, after the first etc. And thereof he complains that the said Gwido and Alice enclosed about 60 acres both of moor and of wood from his common, where he was wont always to common with all kinds of his cattle. And Gwido and Alice come and say nothing why the assize should remain, except only that they say that they and a certain Robert de Burstall, Hugh de Lascy, and Thomas de Barkeston, their parceners, had parted the said wood and moor among them by their common agreement, so that each of them at his will might approve from his part; and they say that they with their said parceners are the chief lords of Gayteford, and by the provision of Merton had approved from their waste; and they say that they demised to the said Ralph sufficient pasture for his tenement, which he holds in the said vill, to wit for one bovate of land; and they say that the said bovate of land which he [Ralph] holds is of their fee.

And Ralph says that he holds one carucate of land in the said vill, and holds nothing of them, because, in fact, he holds from the Abbat of Seleby.



Roll  
104.9  
105/2  
36 Hen III

The jurors say that the said Gwido and Alice disseised the said Ralph of his said common of pasture, which he put in their view, unjustly etc., as the writ says. And therefore it is considered that the said Ralph do recover his seisin by view of the jurors; and [that] Gwido and Alice be in mercy, by the pledge of Thomas de Hayton and Robert de la Venele, of Gaytford. Damages: two shillings.

Elyas de Flaunvill of Norton, who brought a writ of novel disseisin against Matthew de Luveyne concerning his free tenement in Norton, does not go on. Therefore he and his pledges for the prosecution are in mercy, to wit Roger of Newcastle (*de Novo Castro*) in York, and Ralph son of Thomas de Tokwyth.

A day is given to William le Moyne, plaintiff, and William the Constable and Giles de Gousle,<sup>1</sup> by their attorneys, for hearing their judgment in a plea of an assize of mort d'ancestor on the morrow of [All] Souls at Westminster, because the judgment has not yet been made etc.

The assize comes [to recognise] if the Prior of [Healaugh] Park unjustly etc. raised a certain bank in Walton to the nuisance of the free tenement of Roger de Brus in the said vill after the first etc. And thereof he complains that by this said bank, which the said Prior raised, he is prevented from being able to have his carriage with hay and manure to his land as conveniently as he was wont.

The same assize by the same recognitors comes to recognise if the said Prior unjustly etc. disseised the said Roger of his free tenement in Walton after the first etc. And thereof he complains that he disseised him of one foot of land in one place, and of 2 feet of land in another place. And the Prior, by his attorney, comes and says nothing why the assize should remain.

The jurors say that truly the said Prior had a certain croft in the said vill enclosed with a bank, which croft the said Prior ploughed and sowed, and [that] near that croft lay a certain path by which the said Roger and his neighbours were wont to go to their lands and carry their hay and manure; in such a manner that a certain Peter de Brus, the chief Lord of that fee, had a certain land nearer that croft on the side where the said path lay; and [that] the said Prior spoke so much with the said Peter, that he [Peter] gave to him his said

<sup>1</sup> Goxhill.



land in exchange for a certain other land elsewhere in the field of the said vill ; and [that] the said Prior enclosed that land in his croft, and made there a certain barn extending beyond the place of the said path by 30 feet. But they [the jurors] say that at the head of that barn the said Prior demised a certain broad place by which the said Roger could have every sort of drive (*chacia*) and carriage to his land as conveniently as he was wont to have, except by the said space of 30 feet by which the said barn is extended ; and [that] the said Prior could plough and sow the said croft, and [that] the said Roger is not prevented, except by the length of 30 feet, from being able to have his carriage and drive conveniently enough to his lands.

It is considered that the said Prior did not raise the said bank to any nuisance of the said Roger.

They say also that the said Prior did not disseise the said Roger of the said tenement, which he put in their view.

And therefore it is considered that the said Prior do go thence without day ; and that Roger do take nothing by those assizes, but be in mercy for a false claim.

Afterwards comes the said Roger and offers to the Lord King one mark for having a jury of 24 to convict the 12 ; and it is received by pledge.

Peter de Brus puts in his place John de Tofcotes,<sup>1</sup> or Thomas de Beleby, against the Abbat of Byland in a plea of franchise etc.

Avice Marmyun puts in her place Henry de Layerton, or William de Oxhaye, against the Master of the Knights Templar in England in a plea of land ; and against Roger de la Leye in the same ; and against Adam de Elreton and Flandrina his wife in the same.

[m. 34.] The assize comes to recognise if Marmaduke Darel unjustly etc. disseised William de Dalton of his common of pasture in Dalton, which belongs to his free tenement in the same vill, after the first etc. And thereof he complains that he disseised him of his common of moor and brushwood in a certain place which contains about 48 acres of land, where he was wont always to common. And Marmaduke comes and says nothing why the assize should remain, except only that he says that the said common, of which he complains to have been disseised, is not in

<sup>1</sup> Tocketts, near Guisborough.

Dalton; indeed [it is] in Elvetemere.<sup>1</sup> And of this he puts himself on the assize. And John de Fritheby,<sup>2</sup> Stephen de Scouresby,<sup>3</sup> and William son of Adam de Neusum, recognitors, do not come; therefore they are in mercy.

The jurors say that the said common is in Dalton, and not in Elvetemere. And they say that the said Marmaduke disseised the said William of the said common, which he put in their view, unjustly etc., as the writ says. And therefore it is considered that the said William do recover his seisin by view of the recognitors; and [that] Marmaduke be in mercy. Damages: 2 shillings.

William de Bello Monte is in mercy against the Prior of St. Oswald,<sup>4</sup> as lies in the roll of Leicester among the foreign pleas, and is amerced at 20 shillings, by the pledges of Roger de Thorenton and Henry de Emmeley.

Robert de Veylly, John de Seyvill, Geoffrey de Thoreny, and John de Hamerton, four knights, are summoned to choose 12 of the more lawful knights etc., for making the return of a grand assize of the Lord King, between John son of Thomas of Pontefract, plaintiff, and Walter de Fulford, tenant, concerning a messuage with appurtenances in Pontefract, whereof the said Walter, who is the tenant, put himself on the grand assize of the Lord King, and prayed that a recognition should be made [as to] whether he [Walter] has the greater right in the said messuage or the said John.

They have come and have chosen them, to wit, Thomas de Horbiri, William de Langethwayt, Robert de Hoyland, Robert de Wykerley,<sup>5</sup> Philip de Faukenberg, Richard de Berelay, Eustace de Rilleston, John de Eston, Richard Tempeste, Richard of the Moor, Peter de Hay, John de Bosevill, William de Skipwyth, William de Linton, Ralph de Normanvill, and Richard de Tankerley.

A day is given to them on the coming of the Justiciars. And John puts in his place Thomas the Chaplain etc.

The assize comes to recognise if William de Houteby<sup>6</sup> unjustly etc. raised a certain bank in Langethorn, to the nuisance of the free tenement of Robert de Lasceles in the said vill, after the first etc. And thereof he complains

<sup>1</sup> Elmire, wapentake of Birdforth.

<sup>4</sup> Nostell.

<sup>2</sup> Firby.

<sup>5</sup> Wickersley.

<sup>3</sup> Perhaps Skewsby.

<sup>6</sup> Holtby, near Bedale.



that by reason of this said bank, which the said William raised, water flows over (*in*) the said bank and submerges the meadow of the said Robert. And William comes and says nothing why the assize should remain.

The jurors say that the said William raised the said bank in Langethorn, to the nuisance of the free tenement of the said Robert, unjustly etc., as the writ says. And therefore it is considered that the said bank be pulled down at the cost of the said William by view of the jurors, so far as it shall be to [Robert's] nuisance etc. And William is in mercy, by the pledge of . . . .

Damages: 2 shillings.

The assize comes to recognise if Philip de Wikton, Simon the Provost, and Thomas son of Aubrey unjustly etc. disseised Thomas de Houeton of his free tenement in Houeton, after the first etc. And thereof he complains that they disseised him of one acre of land with appurtenances. And Simon and Thomas come; but Philip does not come, because he was not found. And Simon and Thomas say that the assize ought not to be made thereof, because they say that they themselves are not in seisin of the said land, nay [that] Reynold son of Peter and William de Ros, whose villeinage the said land is, [are in seisin]. And the jurors on their oath testify this. Therefore it is considered that the said Philip and the others do go thence without day; and [that] Thomas do take nothing by that assize, but be in mercy for a false claim; and let him seek against the said Reynold son of Peter and William de Roos if he wishes etc.

William son of Richard de Steresby seeks against Richard son of Roger de Steresby 3 bovates of land with appurtenances in Steresby, as his right etc.; and into which the said Richard has no entry except through Richard de Ripariis, who demised them to him while the said William was within age and in his guardianship etc.

And Richard [son of Roger] comes; and elsewhere he vouched to warranty thereof Richard son of Richard de Ripariis; who now comes by his summons and warrants to him [Richard son of Roger] and denies the right of the said William when etc.; and he well acknowledges that the said Richard son of Roger had entry into the said land by the said Richard de Ripariis his father, but he says that the said Richard his father had entry into the said land by Richard de Steresby, father of the said William, nor was the said William ever in the guardianship



of the said Richard de Ripariis his father. And that this so he puts himself on the country. And William likewise. And Richard de Ripariis gives half a mark so that it be inquired ; and it is received by the pledge of Richard son of Roger de Steresby. Therefore let a jury be made thereof.

The jurors, chosen by consent of the parties, say on their oath that the said William son of Richard never was in the guardianship of the said Richard de Ripariis, together with the said land. Indeed they say that the said Richard de Steresby, father of the said William, held the said land from the said Richard de Ripariis for a long time, and afterwards gave the whole of the said land to the said Richard de Ripariis in such a manner that he [Richard de R.] should find for him all his necessities in his life ; so that the said William never was in seisin of the said land.

And therefore it is considered that the said Richard do go thence without day, and [that] William do take nothing by that writ, and be in mercy for a false claim ; he is poor.

The assize comes to recognise if William son of Ralph, Ralph son of Ralph, William de Bordelesden, Peter Basset, Ralph le Hoppere, Peter the Provost, and Roger de Mordon unjustly etc. disseised William Lovel of Brocton<sup>1</sup> of his free tenement in Aymunderby,<sup>2</sup> after the first etc. And thereof he complains that they disseised him of 5 bovates of land with appurtenances. And William son of Ralph and the others come and say nothing why the assize should remain, except only that they say that the said William never was in seisin thereof so that he could be disseised. And William son of Geoffrey de Helme and Richard son of Robert de Rademor, two recognitors, are in mercy because they do not come ; and Richard son of Robert is amerced at one mark.

The jurors say that the said William son of Ralph and the others did not disseise the said William Lovel of his said tenement, which he put in their view, unjustly etc. ; because they say that the said William Lovel never was in seisin of the said land, excepting only while he was steward (*senescallus*) of the said William son of Ralph ; and they say that the said William son of Ralph never gave him the said land nor put him in seisin.

And therefore it is considered that the said William son of Ralph and the others do go thence without day ; and [that] William Lovel do take nothing by that assize, but be in mercy for a false claim.

<sup>1</sup> Broughton.

<sup>2</sup> Amotherby, near Malton.

Dionisia, who was the wife of William de Sandford, puts in her place Robert son of Adam and Thomas son of William de Saunford against the Prior of Carlisle (*Kardoil*) and others contained in the writ in a plea of dower.

Alice, wife of John de Chelrey, puts in her place the said John her husband against Isabel Maunsel in a plea of rent ; and against Benedict de Yedon and Agnes his wife in a plea of land ; and against Beatrice daughter of John de Yedon in a plea of land.

[m. 4.] Alice, who was the wife of Robert Guwer, seeks against Stephen de Meynill the third part of two carucates of land with appurtenances in Karleton.

de Sothull John de Suthull gives half a mark for licence of concord with Martin son of Ralph and Agnes his wife in a plea of warranty of charter. And they have the chirograph etc.

Gilbert de Wauton gives half a mark for licence of concord with Philip de Faucumberg and his parceners in a plea of wood.

The assize comes to recognise if Alexander de Stubbes, William de Livershale, clerk, and Robert de Ripariis unjustly etc. disseised William Bastard of Cateby and Emma his wife of their free tenement in Lyvereshale,<sup>1</sup> after the first etc. And thereof they complain that he [they] disseised them of 2 bovates of land and 5 acres of meadow with appurtenances. And Alexander and the others come and say that the assize ought not to be made thereof ; because they say that truly the said Alexander, father of Emma, had made a certain bare promise to the said Emma of the said land and meadow, but they say that he never demised himself of the said land and meadow ; and especially they say that, if the said Emma had any right in the said land and meadow, she remitted for herself and her heirs to the said Alexander and his heirs all the right and claim which she had in that land and meadow by the charter of the said Emma, which they produce and which testifies to this. And the said William Bastard and Emma cannot deny this. Therefore it is considered that the said Alexander and the others [do go] thence without day ; and [that] William and Emma be in mercy for a false claim etc.

Alexander de Stubbes was summoned to answer William de Lovershal in a plea [to wit] that he warrants to him one messuage, 24 acres of land, and 5 acres of meadow with appurtenances in Lovershal, which he holds of him etc.; and whereof

<sup>1</sup> Loversall, near Doncaster.



he has his charter etc. And thereof the said William says that a certain William Bastard and Emma his wife are impleading him of the said land and meadow by a writ of novel disseisin.

And Alexander comes and well acknowledges that he ought to warrant to him [William] the said land and meadow. And he acknowledges and grants for himself and his heirs that they will henceforth warrant to the said William and his heirs the said land and meadow if they should be impleaded by anyone etc.

A day is given to John Hay and William de Linton by their attorneys, plaintiffs, and William de Craistok and his parceners, in the quindene of S. Hilary at Westminster in a plea in which a jury at the prayer of the parties etc.

The assize comes to recognise if Stephen de Meynil and John de Gousle unjustly etc. disseised Richard le Bret of his free tenement in Karlton, after the first etc. And thereof he complains that they disseised him of 2 tofts and 2 bovates of land with appurtenances. And Stephen and John come and say nothing why the assize should remain, except only that they say that he [Richard] never was seised of the said tofts and lands so that he could be disseised thereof. And Michael de Stokesle, one of the jurors, is in mercy because he does not come etc., and he is amerced at one mark.

The jurors say that the said Stephen and John did not disseise the said Richard of the said tenement, which he put in their view, unjustly etc.; because they say that he [Richard] never was in seisin thereof so that he could be disseised.

And therefore it is considered that the said Stephen and John do go thence without day ; and [that] Richard be in mercy for a false claim etc., by the pledges of Alan de Bereweby<sup>1</sup> and Robert le Bret. And he is amerced at one mark by the same plevin etc.

The assize comes to recognise if Hugh de Beyldon, Michael de Menston and Eleanor his wife unjustly etc. disseised Joan daughter of Simon of her free tenement in Beyldon, after the first etc. And thereof she complains that they disseised her of 2 bovates of land with appurtenances. And Hugh and the others come and acknowledge the disseisin. Therefore it is considered that the said Joan do recover her seisin and her losses of 10 shillings ; and that Hugh and Michael be in mercy, by the pledges of William Bulur of Beyldon and Walter de Heuekeswurth.

<sup>1</sup> Borrowby.



William son of Walter le Mazun, who brought a writ of novel disseisin against William de Ros and others in the writ concerning tenements in Hamelek,<sup>1</sup> does not go on. Therefore he and his pledges for the prosecution are in mercy, to wit, William de Breddal and Robert de Breddal.<sup>2</sup>

William the Chaplain, who brought an assize of novel disseisin against William de Ros concerning his common of pasture in Helmele,<sup>1</sup> which belongs to his free tenement in the same vill, does not go on. Therefore he and his pledges for the prosecution are in mercy, to wit, William de Breddal and Robert de Breddal.

Adam de Newmarch (*de novo mercato*) seeks against Ralph son of Hugh 4 acres of land with appurtenances in Sutton as his right etc. And Ralph comes and prays a view thereof.

The assize comes to recognise if Walter de Rouseby unjustly etc. disseised Peter son of Juliana de Thornton of his free tenement in Rouseby, after the first etc. And thereof he complains that he disseised him of half an acre of land with appurtenances. And Walter comes and acknowledges the disseisin. Therefore it is considered that the said Peter do recover his seisin ; and [that] Walter be committed to gaol for [his] trespass. And Peter remits his damages.

John de Hagwurthingham and Agnes his wife, who brought a writ of novel disseisin against John de Tornton and Alan Cortman concerning a tenement in Wrelton, do not go on. Therefore he [they] and his [their] pledges for the prosecution are in mercy, to wit, Robert de Kareby and William le Cruel.

The Prior of Pontefract, who brought a writ of right concerning 60 acres of land with appurtenances in Ledeston, does not go on. Therefore he and his pledges for the prosecution are in mercy, to wit, Adam de Kippese and Adam the Frank of Ledesham.

It is agreed between Gilbert de Wauton, Gaceus de Chamund, Philip de Faucumberge, and Richard de Stiveton, that none of them will consume or take anything of the wood of Colton except only for enclosing, building, and burning for their own use in Stiveton<sup>3</sup> and Colton, from the Friday next

<sup>1</sup> Helmsley.

<sup>2</sup> Burdale, in the parish of Wharram Percy.

<sup>3</sup> Steeton.

after the feast of the Nativity of the Blessed Mary in the 36th year of the Lord King to the end of three complete years next ensuing ; and that none of them will sell, alienate, or carry outside the said fee, or cause to be carried, anything from the said wood within the said term. But if they do so they will each of them give 100 shillings to the Lord King by way of penalty. And likewise they bound themselves to be distrained by the sheriff of York for the time being, for the purpose of being distrained by every kind of distraint for the holding of the said agreement, as is more fully contained in the chirographs made thereof between them. And this agreement is made saving the right of Walter son of Philip de Faucumberge when he shall attain [full] age, if he shall wish to speak thereof etc.

*Burnby  
(on Harswell)*  
Joan wife of Gerard Selveyn. puts in her place William Selveyn against Geoffrey Aguylyn in a plea of novel disseisin, whereof he complains etc.

The Prior of S. Andrew of York and Alan de Kirkham put in their place Matthew de Ripon against Thomas de Boulton and Eleanor his wife in a plea of land. And the said Prior and Alan sought their land by plevin on the Friday next after the Nativity of the Blessed Mary, which was taken into the hand of the Lord King by a default which they made against the said Thomas and Eleanor his wife. And they have [it] etc.

[m. 4d.] The assize comes to recognise if Richer de Arnhal unjustly etc. disseised Laurence de Ruton of his common of pasture in Arnhal,<sup>1</sup> which belongs to his free tenement in Ruton,<sup>2</sup> after the first etc. And thereof he complains that he disseised him of his common of pasture in a certain moor which contains about 20 acres of land, where he was wont always to common with all kinds of his cattle. And Richer does not come ; and he was attached by William de Arnhal and Norman son of Margery. Therefore they are all in mercy. And let the assize proceed against him by default.

The same assize by the same recognitors comes to recognise if John de Nutle, Robert de Stutevill, Robert son of Robert, Peter le Fraunceys, and Peter Panhorn unjustly etc. disseised the said Laurence de Ruton of his common of pasture in Arnhal, Ruton, and Skirlawe, which belongs to his free tenement in Ruton, after the first etc. And thereof he complains that he

<sup>1</sup> Arnold, near Beverley.

<sup>2</sup> Rowton.



disseised him of his common of pasture in a certain place which contains about 6 acres of land, where he was wont to common with all kinds of his cattle. And John and the others come and say nothing why the assize should remain.

The same assize by the same recognitors comes to recognise if Roger de Dol, Simon de Ver', Stephen de Ostwyk, Walter de Pikering, and Roger de Wautsand unjustly etc. disseised him [Laurence de Ruton] of his common of pasture in Arnhal, Ruton, and Skirlawe, which belongs to his free tenement in Ruton, after the first etc. And thereof he complains that they disseised him of his common of pasture in a certain place which contains about 2 acres and a half of land, where he was wont always to common with all kinds of his cattle. And Roger and the others come and say nothing why the assize should remain, except only that they say that the said Laurence is in seisin of the said common of pasture of which he complains to have been disseised.

The jurors say that the said Richer disseised the said Laurence of the said common of pasture, which he put in their view, unjustly etc. And therefore it is considered that the said Laurence do recover [his] seisin by view of the recognitors; and that Richer be in mercy.

Damages : 2 shillings.

They say also that the said John del Nutle and the others [concerned] in the second assize, and the said Roger de Dol and the others [concerned] in the third assize, did not disseise the said Laurence of the said common of pasture, which he put in their view, unjustly etc.; because they say that he [Laurence] is well able to common in the said common, and to have free entry and exit without any hindrance.

And therefore it is considered that the said John and all the others do go thence without day; and that Laurence do take nothing by those assizes, but be in mercy for a false claim, by the pledge of Thomas de Bristhull.<sup>1</sup>

William Ward and Margery his wife, by Margery's attorney, offered themselves on the fourth day against William le Despenser of Drytlington and Isabel his wife, in a plea that they [ought to] give to the said William and Margery John, the son and heir of Richard Payn, whose wardship belongs to them [William and Margery] by reason of a gift which Jollan de Nevill, of whom the said Richard held his land by knight service etc., made thereof to the said Margery.

<sup>1</sup> Burshill.



And William and Isabel do not come. And they have made more defaults, after William had a day for his essoin on this day; and Isabel had a day *in banco* on this day, after she had essoined herself. Therefore let them be distrained by all their lands etc., so that they be in one month from the day of S. Michael at Westminster.

The assize comes to recognise if Thomas Fairfax, Tolle his servant, Alexander Bayus, Robert le Lorimer, Martin Loggey, William Mittayn, Roger Sturdy, and Arnold le Faucher unjustly etc. disseised Eva de Clervaus of her free tenement in the suburb of York, after the first etc. And thereof [she complains] that they disseised her of 3 acres and a half of meadow with appurtenances, of which she had before recovered her seisin against the said Thomas before the Justiciars on their last iter in that county. And Thomas and the others come and say nothing why the assize should remain.

The jurors say that the said Thomas and the others did not disseise the said Eva of the said meadow, which she put in their view, unjustly etc.; because they say that she never had seisin of the said meadow.

And therefore it is considered that the said Thomas and the others [do go] without day; and [that] Eva be in mercy for a false claim etc.

Afterwards it was agreed between the said Thomas and Eva that she shall have the  $3\frac{1}{2}$  acres of meadow which lie towards the east of the 7 acres of meadow, which she sought against him in other assizes. Therefore let her have her seisin etc.

The assize comes to recognise if Robert de Eccleshale unjustly etc. disseised Ralph son of Robert de Barley of his free tenement in Thorpe, after the first etc. And thereof he complains that he disseised him of one acre of land with appurtenances. And Robert does not come, but Stephen de Lund comes and answers for him as his bailiff; and he says nothing why the assize should remain, except only that he says that a certain Roger de Barley held the said land from him [Robert], and exposed it for sale to the said Ralph; and because the said Robert was unwilling to lose wards and reliefs from the said land, which was of his fee, he seized the said land into his hand before the said Ralph had any seisin thereof. And that this is so he puts himself on the assize. And John de Haye, and William de Mundider, and Ralph Swift of Brinesford,<sup>1</sup> recog-

<sup>1</sup> Brinsworth.

niters, are in mercy, because they do not come ; therefore they are in mercy. And Simon de la Roche, bailiff, is in mercy for a trespass, and is amerced at 20 shillings.

The jurors say that the said Robert disseised the said Robert [Ralph] of the said tenement, which he put in their view, unjustly etc. Therefore it is considered that the said Ralph do recover his seisin by view of the recognitors ; and that Robert be in mercy, by the pledge of Robert de Thorny.

Damages : half a mark.

The assize comes to recognise if Henry Coleman, Richard Coleman, Ralph de Bilton, Richard le Lung, Thomas Pode, Richard T[?]uft, and William de Laynthorp disseised John de Bilton of his free tenement in Bilton, after the first etc. And thereof he complains that they disseised him of a certain piece of meadow which contains 20 feet in length and 10 feet in breadth. And they do not come etc. And each of them was attached by the other. Therefore all are in mercy. And let the assize proceed against them by default etc.

Alan son of Brian and Thomas his brother acknowledge that they owe to Avice Marmyun 25 marks, by the pledge of Robert de Marsham ; which they will pay to her at Pentecost in the 37th year ; and unless they do so they grant that the sheriff shall cause to be made etc.

The assize comes to recognise if Thomas son of Peter de Balkholm, Sewal his brother, William Piper, Gilbert Tiwe [?], Thomas son of William de Laxinton, and Reynold son of Roger the Granger unjustly etc. disseised Agnes daughter of Richard le Champiun of her free tenement in Kilpin, after the first etc. And thereof she complains that they disseised her of one toft and half a bovat of land with appurtenances. And Thomas son of Peter and the others come and say nothing why the assize should remain, except only that they say that the said Agnes never was in seisin thereof so as to be disseised thereof.

The jurors say that the said Thomas and the others did not disseise the said Agnes of the said tenement, which she put in their view, unjustly etc.; because [they say] that she never was in seisin thereof so as to be disseised. And therefore it is considered that the said Thomas and the others do go thence without day ; and [that] Agnes be in mercy for a false claim etc., by the pledge of Gilbert of the Garden (*de gardino*) of Houeden.



[m. 5.] Geoffrey de Cokefeud and Alice his wife, who brought an assize of novel disseisin against Nicholas de Hales and Margery his wife, Robert de Hales, and Adam the Reeve, concerning a tenement in Ryghton, do not go on. Therefore they and their pledges for the prosecution are in mercy, to wit, Ralph son of Richard de Rychton ; and the other pledge died.

William Malecake, who brought an assize of novel disseisin against Hugh son of Ralph de Lokington and others named in the writ concerning a tenement in Lokinton, does not go on. Therefore he and his pledges for the prosecution are in mercy, to wit, William son of Simon de Pik' and Walter son of Roger of the same [vill].

Adam de Holthal and Dyonia his wife acknowledge that they have given and granted to Adam de Newmarch all the land with appurtenances which they had or could have in Hawurth and Kirkesandr'k, with messuages and homages, woods, meadows, and all other things belonging to the said land, to hold to him and his heirs, as is more fully contained in the charter which the said Adam has of the said Adam and Dyonia.

Adam de Newmarch gives half a mark for licence of concord with Adam de Holthal and Dyonia his wife in a plea of land.

Constance wife of John son of Herbert de Thorp, who was formerly the wife of Peter Eyr of Colton, acknowledges that she remitted and quitclaimed, with the consent of the said John her husband, to Gaceus de Chaumund, citizen of York, all the right and claim which she had or could have in the third part of a bovate of land with appurtenances in Colton in dower, whereof Peter, formerly her husband, endowed her, as is more fully contained in the charter which the said Gaceus has of the said Constance and Peter.

The assize comes to recognise if Maude la Legistre and Agnes her sister unjustly etc. disseised Margery daughter of Geoffrey Attebekers of her free tenement in Barkeston, after the first etc. And thereof she complains that she [they] disseised her of 4 acres and a half of land and half an acre of meadow with appurtenances. And Maude comes ; and Agnes does not come, nor was she attached, because she was not found. Therefore let the assize proceed against her by default. And



Maude says that the assize ought not to be made thereof, because she says that if any disseisin was made to her [Margery] it was not made by her [Maude], nay, by a certain Richard her [Maude's] brother, who enfeoffed her thereof. And of this she puts herself on the assize.

The jurors say on their oath that the said land was the right and inheritance of the said Richard le Legistre, brother of the said Maude and Agnes, and [that] the said Richard married the said Margery, and in process of time became a leper, and betook himself to the hospital outside Shyreburn, and gave to the said hospital a certain part of his land, so that the said Margery, with the children which she had of the said Richard, remained in seisin of the said tenement in question for a long time, until the said Richard came from the said hospital and ejected her therefrom, and enfeoffed thereof the said Maude and Agnes; and, because the said Richard is still alive, nor can the said Margery claim any free tenement in the said land while the said Richard is alive, it is considered that the said Maude and Agnes do go thence without day; and [that] Margery do take nothing by that assize, and be in mercy for a false claim; she is pardoned because [she is] poor.

Peter son of Walter de Louthorp offered himself on the fourth day against Geoffrey son of Lambert de Pokethorp in a plea of 3 bovates of land and 3 parts of a toft with appurtenances, except 3 acres and 2 perches of land with appurtenances in Pokethorp, which he claims as his right against him. And Geoffrey does not come; and he had a day for this day, to wit, on the coming of R. de Thurkelby by the order of the Lord King, after he had put himself on the grand assize of the Lord King, to wit, before the Justiciars on their last iter in that county. Judgment: let the said land be taken into the hand of the Lord King; and he [Geoffrey] is summoned to be at Westminster on the octave of S. Martin to hear his judgment thereof etc.

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#### THE LIBERTY OF S. MARY, OF YORK.

The assize comes to recognise if Alan le Rus unjustly etc. disseised Robert de Staverne and Margery his wife of their common of pasture in Watsaund, which belongs to their free tenement in the said vill, after the first etc. And thereof he [they] complain that he enclosed one acre of pasture where

they were wont always to common. And Alan comes and says nothing why the assize should remain, except only that he says that if any disseisin was made to him [them] it was made by William, formerly Abbat of S. Mary, who caused the said pasture to be enclosed ; and not by him. And of this he puts himself on the assize.

The same assize by the same recognitors [comes] to recognise if Roger de Watsaund unjustly etc. disseised the said Robert and Margery his wife of their common of pasture in Watsaund, which belongs to their free tenement in the said vill, after the first etc. And thereof they complain that he disseised them of common of pasture in 6 acres of land where they were wont always to common. And Roger comes and says nothing why the assize should remain, except only that he says that if any disseisin was made to him [them] it was made by Robert his father, who enfeoffed him thereof ; and not by him. And of this he puts himself on the assize.

The same assize by the same recognitors comes to recognise if the Abbat of S. Mary of York, Roger de Grave, William de Hornes, Roger de Watsaund, Gilbert Seley, and Alan le Ru's of Watsaund unjustly etc. disseised the said Robert de Staverne and Margery of their free tenement in Watsaund, after the first etc. And thereof they complain that they disseised them of 2 acres and a half of land. And the Abbat and all the others come and say nothing why the assize should remain, except only that they say that he himself [Robert] is in seisin of the said land ; and [that], because the said Robert raised a certain bank in the said land, by which bank he wished to draw to himself fish out of the fishpond of the said Abbat, he [the said Abbat] pulled down the said bank. And of this he puts himself on the assize.

The jurors of the first assize say on their oath that the said Alan disseised the said Robert and Margery of common of pasture in the said acre, which he [they] put in their view, unjustly etc., as the writ says. And therefore it is considered that the said Robert and Margery do recover their seisin by view of the recognitors, and [that] Alan be in mercy, by the pledge of William de Westiby of Hornese.

Damages : 12 pence.

The jurors of the second assize say that the said Roger de Watsaund disseised the said Robert and Margery of the said common of pasture in the said 6 acres, which he [they] put in their view, unjustly etc., as the writ says. And therefore it is considered that the said Robert and Margery do recover



their seisin by view of the recognitors ; and [that] Roger be in mercy, by the pledge of Walter de Pikering and Richard le Lorimer. Damages : 12 pence.

They say also concerning the said 2 acres of land and a half that the said Roger de Grave and all the others except the said Abbat disseised the said Robert and Margery of the said tenement, which he [they] put in their view, unjustly etc., as the writ says. And therefore it is considered that the said Robert and Margery do recover their seisin by view of the recognitors ; and [that] Roger and all the others be in mercy ; and [that] Robert and Margery likewise be in mercy for a false claim against the said Abbat. The pledges of Roger, William, and Gilbert for their amercement [are] Robert of the Bridge (*de ponte*), William Faukun, and Bernard de Areynes.

Damages : 3 shillings.

Isabel de Coleby, who brought an assize of novel disseisin against Juliana Dayvill and Geoffrey de Holme concerning a tenement in Fleynesburgh,<sup>1</sup> does not come. Therefore she and her pledges for the prosecution are in mercy. She did not find a pledge except her good faith, because she is poor.

Nicholas le Fraunceys, who brought an assize of novel disseisin against Ralph de Wambewell,<sup>2</sup> Hugh de Crygeleston, Gilbert de Bredebyr, Adam son of Geoffrey, and William de Scouenesby, does not go on. Therefore he and his pledges for the prosecution are in mercy, to wit, Roger de Hide [?] and Richard de Lingwayt.<sup>3</sup>

William son of Elyas, who brought an assize of novel disseisin against Richard son of Henry and Nichola, who was the wife of Peter of Preston, and Con . . . son of Richard concerning his common of turbary in Layburn, which belongs to his free tenement in the same vill, does not go on. Therefore he and his pledges for the prosecution are in mercy, to wit, Richard son of Richard de Herneby and John son of Ralph de Burton.

William son of Elizabeth puts in his place Richard son of John against Eustace de Folevill in a plea of land.

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#### ALSO OF THE LIBERTY OF S. MARY.

[m. 5 d.] The assize comes to recognise if Thomas Faderles and the Abbat of S. Mary of York unjustly etc. disseised William le

<sup>1</sup> Flamborough.

<sup>2</sup> Wombwell.

<sup>3</sup> Linthwaite.



Tollere of Buthum<sup>1</sup> of his free tenement in Muketon,<sup>2</sup> after the first etc. And thereof he complains that they disseised him of 2 bovates and 3 tofts with appurtenances. And Thomas does not come nor was he attached, because he was not found. And the Abbat comes and says nothing why the assize should remain, except only that he says that the said land was the right and [frank] marriage of a certain wife of the said Thomas, and [that] the said Thomas demised it to the said William for a term, within which term the said Thomas enfeoffed thereof the said Abbat by the assent and will of the said William. And of this they put themselves on the assize.

The jurors say that in truth the said Thomas demised the said land to the said William for a term in such a manner that, if the said Thomas should wish to sell that land to anyone, he should pay to the said William the money which he [Thomas] received from him for the said land, and likewise the cost which the said William should have expended on that land; and [that] within that term the said Thomas came and sold to the said Abbat the said land, and put him in full seisin thereof. But they say that the said William has not yet been satisfied with respect to the said money.

The assize comes to recognise if the Abbat of S. Mary of York and Roger the Sergeant unjustly etc. disseised William de Lasceles of his free tenement in Wantsaund and Burton, after the first etc. And thereof he complains that they disseised him of 2 marks of land and of rent with appurtenances, which the said Abbat granted to the said William by a fine made between them in the court of the Lord King before the Justiciars on their last iter in that county, in return for a certain fishpond, touching which a duel was fought between them in the same court. And thereof he says that the sheriff made his return to the bailiff of the liberty of Heuderness, that he should cause him to have and be assigned the said 2 marks of land and of rent; and [that] the said bailiff, by the oath of proved and lawful men of that neighbourhood, assigned to him the said 2 marks of land and of rent, and put him in full seisin thereof, so that by that seisin he took thereof 5 shillings of rent from a certain tenant, and was in seisin thereof until the said Abbat ejected him thence. And the Abbat and Roger come and . . . . .

<sup>1</sup> Bootham.

<sup>2</sup> Probably an error for Munketon (Nun Monkton), near York.

The assize comes to recognise if Simon de Lilling unjustly etc. disseised Roger son of Robert de Fimere of his free tenement in Fimmer',<sup>1</sup> after the first etc. And thereof he complains that he disseised him of half a bovaté of land and one toft with appurtenances. And Simon comes and says that the assize ought not to be made thereof ; because he says that he [Roger] never was in seisin so as to be disseised thereof. And of this he puts himself on the assize.

The jurors say that in truth the said half bovaté of land was the right and inheritance of the said Roger, which descended to him from a certain Macha, aunt (*amita*) of Robert father of the said Roger, after the death of the said Roger [? Robert] ; and [that] then came a certain Paulinus de Lilling, father of the said Simon, chief lord of the fee, who seized that land into his hand, and afterwards demised it to a certain Alice, mother of the said Roger, to hold from him for 6 pence a year ; and [that] after the death of the said Paulinus came the said Simon, who seized that land into his hand and afterwards demised it to a certain woman who held it for five or six years ; and [that] then came the said Alice and spoke to such purpose (*tantum*) with the said Simon that he granted the said land to her to hold from him for 3 shillings a year ; so that the said Roger never was in seisin thereof. Wherefore they say that the said Simon did not disseise the said Roger of any tenement. And therefore it is considered that the said Simon do go thence without day ; and [that] Roger do take nothing by that assize, and be in mercy for a false claim ; he is poor.

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#### THE LIBERTY OF S. PETER.

The assize comes to recognise if Master Adenolph, canon of the Church of York, Reynold the reeve of Rikal, Henry son of Roger of the same [vill], Walter son of Emma, Thomas son of Nicholas, Nicholas the Miller, Hugh at the gate of the hall (*ad portam aule*), Alan son of Peter, Henry at the ditch (*ad fossum*), John Petit, Benedict le Blund, Adam son of Stephen, Henry son of Alan, Arthur son of Walter, Hugh son of Henry, Roger the Carpenter, Thomas son of the Harper (*Cithericus*), Richard of the Moor, John de Seleby, John of the Moor, Roger the son-in-law<sup>2</sup> of Arthur, Ralph [?] brother of the said Roger, William de Lathum, Thomas son

<sup>1</sup> Fimber, in the parish of Wetwang, near Sledmere.

<sup>2</sup> There is some mistake ; the original is *nurus* (daughter-in-law).



of Roger unjustly etc. disseised William de Averenges of his free tenement in Skypewith, after the first etc. And thereof he complains that they disseised him of a certain moor which contains about 20 acres. And Master Aldenulph did not come ; nor was he attached, because he was not found. Therefore let the assize proceed against him by default. And Reynold the reeve and all the others come and say nothing why the assize should remain, except only that they say that he [William de Averenges] never was in seisin thereof so as to be disseised thereof. And the said William says that he was always in seisin thereof as in his severalty, without their being able to claim anything in the said moor except only herbage ; and of this he puts himself on the assize.

The jurors say that the said Aldenolph and the others did not disseise the said William of the said tenement, which he put in their view, unjustly etc.; because they say that he [William] has no several tenement there, since they can cut turf there and make their other profits (*proficua*) thereof at their will. Wherefore they say that they did not disseise him, as the writ says. And therefore it is considered that the said Aldenolph and the others do go thence without day ; and [that] the said William do take nothing by that assize, and be in mercy for a false claim.

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[m. 6.] The assize comes to recognise if William de Wyvill, John Fergus, Adam Spenser, and Robert Trailhondey disseised the Prior of Holy Trinity of York of his common of pasture in Slengeby,<sup>1</sup> which belongs to his free tenement in Conyngesthorp,<sup>2</sup> after the first etc. And thereof he complains that they disseised him of common of pasture in a certain place of moor and furze which contains about 80 acres, where he was wont always to common with all kinds of his beasts. And William and the others come and say that the assize ought not to be made thereof ; because they say that no common in Lengeby (*sic*) belongs to any tenement in Conyngesthorp, since they are of a different barony. And especially they say that if at any time he had common in the said place of which he complains to have been disseised, it was on account of their gift and not as belonging to his free tenement in Conyngesthorp.

The same assize by the same recognitors comes to recognise if William de Wyvill, William de Tracy, Richard de Wyvill, and Walter de Welleford unjustly etc. disseised the said Prior of his free tenement in Conyngesthorp, after the first etc. And

<sup>1</sup> Slingsby.

<sup>1</sup> Coneysthorpe.



thereof he complains that they disseised him of 9 perches of land in length and one perch of land in breadth. And William and the others come and say nothing why the assize should remain, except only that they say that the said tenement is in Lengeby, and not in Coningesthorp. And of this they put themselves on the assize.

The jurors say that the said William and the others did not disseise the said Prior of the said common of pasture, which he put in their view, unjustly etc., because they say that the said Prior had no common in Lengeby except on account of their [William's etc.] gift, and not as belonging to any free tenement in Coningesthorp. And therefore it is considered that the said William and the others do go thence without day; and [that] the Prior do take nothing by that assize, and be in mercy for a false claim.

They say also that the said William and the others contained in the second writ disseised the said Prior of a certain part of the said tenement, which he put in their view, and not of the whole. And therefore it is considered that the said Prior do recover his seisin by view of the recognitors; and [that] William and the others be in mercy; and [that] the Prior be likewise in mercy, because he put more in their view than that of which he was disseised. Damages 4*d*.

The assize comes to recognise if Nicholas son of Adam de Flanderwath unjustly etc. disseised the Abbat of Roche of his free tenement in Brameley, after the first etc. And thereof he complains that he disseised him of 4 perches of land in length and one perch [of land] in breadth. And Nicholas comes and acknowledges the disseisin. Therefore it is considered that the said Abbat do recover his seisin; and [that] Nicholas be committed to gaol. And the Abbat remits his damages. The pledges of the said Nicholas [are] William del Kere and William Pavy.

Walter son of Gilbert de Chyvet, who brought a writ of novel disseisin against Thomas Tyrel and others contained in the writ concerning his common of pasture in Chyvet, which belongs to his free tenement in the said vill, does not go on. Therefore he and his pledges for the prosecution are in mercy, to wit, William son of the Parson of Heton and Elyas son of William de Riseworth.

The assize comes to recognise if Richard de Ledes unjustly etc. disseised Agnes, who was the wife of Robert son of Odard,

of her free tenement in Rudon,<sup>1</sup> after the first etc. And thereof she complains that he disseised her of 2 acres of land with appurtenances. And Richard comes and says nothing why the assize should remain, except only that he says that she [Agnes] never was in seisin of the said land, except only in respect of the service of the said land. And of this he puts himself on the assize.

The jurors say that the said Richard did not disseise the said Agnes of the said tenement, which she put in their view ; because they say that she never was seised thereof, except in respect of the service of the said land. And therefore it is considered that the said Richard do go thence without day ; and [that] Agnes be in mercy for a false claim.

John de Clervaus, who brought 2 writs of novel disseisin against Roald son of Roald, concerning a tenement in Croft-on-Teyse, and concerning his common of pasture in Croft, which belongs to his free tenement in the same [vill], does not go on. Therefore he and his pledges for the prosecution are in mercy, to wit, Robert le Bret, and Ralph de Streneshal, and Simon de Sproxton.

The assize comes to recognise if Margery, who was the wife of William Maundevill, unjustly etc. raised a certain bank in Wellum to the nuisance of the free tenement of the Prior of Malton in the same vill, after the first etc. And thereof he complains that by this said bank which the said Margery raised he, the said Prior, is hindered from being able to have his drive with his beasts to his pasture, and to carry his corn and hay conveniently enough as was his wont. And Margery comes and says nothing why the assize should remain.

The jurors say that in truth the said Margery raised the said bank for her meadow and hay ; but they say that the said Prior has not yet any nuisance by reason of the said bank, because the meadows of the said Prior are as well protected by the said bank as are the meadows of the said Margery ; but they say that if the said bank so stands during the whole year the said Prior will perhaps have a nuisance, because he will not have his drive with his beasts to the said pasture and his carriage with his hay. And because the said Prior has not yet any nuisance by reason of the bank raised, it is considered that the said Margery do go thence without day ; and [that] the Prior be in mercy for a false claim. And the sheriff is ordered,

<sup>1</sup> Rawden.



as soon as the said Prior has a nuisance by reason of the said bank, to cause that bank to be destroyed by view of the recognitors at Margery's cost, of as much as it shall be to [the Prior's] nuisance.

The assize comes to recognise if Thomas son of Walter de Mar unjustly etc. disseised Hugh de Mar of his free tenement in Mar, after the first etc. And thereof he complains that he disseised him of half an acre of land with appurtenances. And Thomas comes and says nothing why the assize should remain.

The jurors say that the said Thomas did not disseise the said Hugh of the said tenement, which he put in their view, unjustly etc. And therefore it is considered that the said Thomas do go thence without day ; and [that] Hugh do take nothing by that assize, but be in mercy for a false claim.

Ralph de Amundevill and Avice his wife put in their place Adam de Ponteyse or Robert de Teteneye against the Prioress of Campesee in a plea of advowson<sup>1</sup>; and against the Abbat of Byland in a plea of naifty in the County of York.

The said Ralph puts in his place Robert de Teteneye or Robert de Foweleston against Maude, who was the wife of Picot de Lasceles, in a plea of dower. And Avice the wife of the said Ralph puts in her place Adam de Ponteyse or Eborard Acton against the said [Maude] in the same [plea] etc.

Aubrey de Percy puts in her place Richard Orre or William Kayl against Henry the Chamberlain in a plea of land.

Peter de Percy puts in his place John le Waleys against the said Henry in a plea of land etc.

Emma wife of William the Bastard puts in her place William her husband against [? or] Walter son of Richard against Alexander de Stubbes and others named in the writ in a plea of novel disseisin, whereof she complains . . . . .

Peter de Mauley puts in his place Thomas the clerk or Welond de Mulegreve against Emma Wastehos in a plea of diverse . . . . . , and against Alan de Daneby, William son of Hawise, and Thomas Spridi, in a plea of pannage.

The Prior of Kirkham puts in his place Robert de Brideschal' or Laurence le Messenger against Thomas de Boulton and Eleanor his wife in a plea of land.

<sup>1</sup> The first part of the entry belongs to Lincolnshire.



Gilbert de Brideschal puts in his place the said Robert or Laurence against the same in the same [plea] etc.

William de Lasceles puts in his place Robert de Staverne against the Abbat of York and others named [in the writ] in a plea of novel disseisin, whereof he complains etc.

The Abbat of Hep<sup>1</sup> puts in his place Serlo son of Thomas or Henry the Forester against Alice de Helton in a plea of warranty etc.

The Abbat of Thorenton puts in his place Brother William of Lincoln, his canon, against Ralph son of Robert, to speak on his behalf at the Exchequer of the Jews<sup>2</sup> if any wishes to speak against him [the said Abbat].

[m. 6 d.] The assize comes to recognise if John de Cokerington and William de Covenham unjustly etc. disseised Thomas de Gunneby of common of pasture in Folkethorp,<sup>3</sup> which belongs to his free tenement in the same vill, after the first etc. And thereof he complains that they disseised him of common of pasture in a certain place which contains about 7 acres of land, where he was wont always to common after the corn was carried and [when the land lay] fallow (*in warectis*). And John and William do not come; nor were they attached, because they were not found. Therefore let the assize proceed against them by default.

The jurors say that the said John and William disseised the said Thomas of the said common of pasture, which he put in their view etc. And therefore it is considered that the said Thomas do recover his seisin, by view of the jurors; and [that] John and William be in mercy.

Damages: 1 mark.

The assize comes to recognise if Nicholas, formerly Bishop of Durham, Thomas de Baruwe, the bailiff of Houeden, Robert de Hakethorp, John de Clif, Gilbert of the Garden, Walter Resun, the reeve of Clif, Adam his son, William Cok, Robert Adam, Geoffrey son of Norman, William Starre, and Adam son of Geoffrey unjustly etc. disseised Emma Wastehose, Anketil de Thorenton, and William de Bilton of their common of turbary in Duffeld, which belongs to their free tenement in the same vill, after the first etc. And thereof they complain that they disseised them of common of turbary in a certain moor which contains about 20 acres, where they were wont always

<sup>1</sup> Shap, in Westmorland.    <sup>2</sup> See Appendix II.    <sup>3</sup> Foggathorpe, near Selby.

to cut turf. And Nicholas does not come ; but Thomas and the others come ; and Thomas answers for himself and the said Nicholas and all the others ; and he says nothing why the assize should remain, except only that he says that the said Nicholas holds the said moor in no other manner than his predecessors in the episcopate held it ; because he says that the said Emma and the others never had any common of turbary in the said moor, as belonging to any of their tenements.

The jurors say that the said Nicholas, formerly Bishop, and the others did not disseise Emma Wastehose, Anketil, and William of the said common of turbary ; because they say that they never were in peaceful seisin for taking turf in the said moor without surety (*divadiatione*) ; and especially they say that the said common of turbary does not belong to any of their tenements in Duffeld. And therefore it is considered that the said Nicholas and the others do go thence without day ; and [that] Emma and the others do take nothing by that assize, but be in mercy for a false claim etc.

William de Leyrton acknowledges that he has given and granted to Henry de Leyrton, his nephew, one mark of annual rent, to be taken in the vill of Leyerton by the hand of the said William, or by the hand of whatsoever of his bailiffs as shall be there, at two terms, to wit, one moiety at the feast of S. Martin and the other moiety at Pentecost, without any contradiction or hindrance of anyone. And the said William and his heirs will warrant, defend, and faithfully pay to the said Henry or his fixed assigns the said mark of annual rent at the said terms against all men during the whole of the life of the said Henry, as is more fully contained in the writing drawn up thereof between them. And especially the said William acknowledged and granted on behalf of himself and his heirs that they will assign to the said Henry [the right of] receiving the said mark of annual rent in a fixed place at Leyrton from his free tenants. And unless he does so he acknowledges and grants that he and his heirs will pay the said annual rent to the said Henry at the fixed terms as is aforesaid ; and unless he does so he grants that the sheriff shall cause [to be made] from his lands etc.

John de Chelrey and Alice his wife acknowledge that they have given and granted to William Ward of Giseley two bovates of land with appurtenances in Giseley, to wit those which they held of him in Giseley, and all their demesne in Hedon



which they held by name of a share in the inheritance of John de Hedon. And be it known that the said William and his heirs may grind their corn and malt and all their vegetables (*legumina*) growing in the said land at the mill of Hedon on Ayr freely without multure, as is more fully contained in the writing drawn up thereof between them etc.

The assize comes to recognise if William son of Elyas, William le Vineter, and Ralph Warled unjustly etc. disseised Almaria daughter of Benedict of her free tenement in Pontefract. And thereof she complains that they disseised her of one messuage and one croft with appurtenances. And William and the others do not come ; but Robert de Thorny comes and answers for them as their bailiff ; and he says nothing why the assize should remain.

The jurors say that the said William and the others did not disseise the said Almaria of the said tenement, which she put in their view, because they say that she never was in seisin thereof so that she could be disseised. And therefore it is considered that the said William and the others do go thence without day ; and [that] Almaria be in mercy for a false claim etc.

The assize comes to recognise if Alan de Catherton and the Prior of [Healaugh] Park unjustly etc. disseised Richard Prudfot of his common of pasture in Catherton, which belongs to his free tenement in the same vill, after the first etc. And thereof he complains that they disseised him of common of pasture in sixty acres, both of moor and wood, where he was wont to common. And Alan and the Prior come and say nothing why the assize should remain, except only that they say that the said Richard ought to have common of pasture for four oxen with the demesne oxen of Alan himself and his heirs, wherever the demesne oxen of Alan and his heirs feed, and common of pasture for his horse everywhere where the palfrey and horses of the said Alan feed. And they say that he [Richard] is yet in seisin of the said common everywhere with his oxen and horses. And of this they put themselves on the assize.

And because no juror has made a view, therefore let the assize remain to be taken at the coming of the Justiciars. And the writ remains with the sheriff.

William son of Robert Walthef gives half a mark for licence of concord with William his son in a plea of land ; and they have the chirographs.



William son of John de Winkesl[ey] puts in his claim on the making of a certain chirograph between William de Karlton, plaintiff, and William de Gaugy and Avise his wife, tenants, concerning the third part of two bovates of land, one mill and six acres of land with appurtenances in Winkesl[ey].

The assize comes to recognise if John de la Pomeray, Thomas de Hemmingburg and Agnes his wife unjustly etc. disseised Robert Burgman and Margery his wife of their free tenement in Osgoteby,<sup>1</sup> after the first etc. And thereof they complain that they disseised them of one acre and a half of land with appurtenances. And John and the others come and say nothing why the assize should remain.

The jurors say that the said John and the others did not disseise the said Robert and Margery of the said tenement, which he [? they] put in their view, unjustly etc. And therefore it is considered that the said John and the others do go thence without day ; and [that] Robert be in mercy for a false claim.

John de Trely puts in his place Thomas son of Bryan or Bryan Pikot against William la Thuche in a plea of waste.

Roger de Lasceles puts in his place William de Lasceles against Maude de Lasceles in a plea of dower.

Margery de Vescy puts in her place Peter de Melsa or Roger Grymet against Robert de Thorley in a plea of dower ; [? and against] Ralph Oarhunel and Hyllaria his wife in the same ; and against Giles de Grenhurst and Clementia his wife in the same.

[m. 7.] The assize comes to recognise if Thomas son of William de Merston unjustly etc. disseised John de Cotham and Alice his wife of their free tenement in Foliflet, after the first etc. And thereof they complain that they disseised them of half an acre of land with appurtenances. And Thomas comes and acknowledges the disseisin. Therefore it is considered that the said John and Alice do recover their seisin ; and [that] Thomas be in mercy for his trespass. And the said John and Alice remit their damages etc.

The assize comes to recognise if John the Clerk of Crumbelbothum unjustly etc. disseised Elyas de Rissewude<sup>2</sup> of his common of pasture in Rissewurth which belongs to his free tenement in the said vill, after the first etc. And thereof he complains

<sup>1</sup> Osgodby, in the parish of Hemingbrough.

<sup>2</sup> Rishworth.

that he disseised him of his common of pasture in a certain wood, which contains about sixteen acres of land, where he was wont always to common with all kinds of his beasts. And John comes and says that the assize ought not to be made thereof; because he says that the said Elyas holds of John de Heland,<sup>1</sup> one of the chief lords of the said vill, who in accordance with the provision of Merton approved his waste and enclosed the said wood and demised it to the said John the Clerk, and demised to the said Elyas pasture sufficient for a larger tenement than he holds in the said vill. And of this he puts himself on the assize.

The jurors say that in truth the said Elyas holds his tenement in the said vill of a certain Nicholas de Herdeslawe<sup>2</sup>; and that the said Nicholas holds the said tenement from the said John de Heland, who enclosed the said wood and demised [it] to the said John the Clerk, and demised sufficient pasture to the said Elyas for more animals than belong to the tenement which he holds, in accordance with the provision of Merton. And they say that he has sufficient pasture for more beasts than belong to his tenement. And therefore it is considered that the said John do go thence without day; and [that] Elyas be in mercy for a false claim. He made a fine for forty shillings by the pledge of the said John the Clerk.

The assize comes to recognise if Robert son of William unjustly etc. disseised Reynold de Lendebodhurst<sup>3</sup> of his free tenement in Eston, after the first etc. And thereof he complains that he disseised him of four acres of land with appurtenances. And Robert comes and acknowledges the disseisin. And therefore it is considered that the said Reynold do recover his seisin; and [that] Robert be in mercy by the pledge of Reynold himself. And the said Reynold remits to him the damages etc.

The Abbat of Byland offered himself on the fourth day against John son of Robert de Alwaldeley in a plea of hearing an inquisition as to whether the said John was ever wont to pay to the said Abbat two shillings a year for fourteen acres of land with appurtenances in Aldolvele,<sup>4</sup> which the said John holds of the said Abbat, as the said Abbat says, or whether the said John was never wont to pay to the said Abbat for the said tenement [anything] excepting only twelve pence a year, as the said John recognises. And John does not come; and he had a day *in banco* before R. de Thurkelby and A. de Hylton

<sup>1</sup> Elland.

<sup>2</sup> Ardsley.

<sup>3</sup> cf. *Yorkshire Fines*, p. 47.

<sup>4</sup> Alwoodley, near Harewood.



on their first coming to York, by the order of the Lord King, after he put himself on the said inquisition. And therefore let the said John be summoned to be at Westminster in fifteen days from the day of S. Hilary, to hear his judgment thereof etc. Afterwards the sheriff was ordered to cause to come before him etc., in full county [court], twelve men etc., by whom etc.; and who neither . . . .

The assize comes to recognise what patron in the time of peace presented the last parson, who is dead, to the church of Bilton, which is vacant etc.; and the advowson of which Eufemia, the Prioress of Sinythethweyt, claims against Nichola of St. Mary, Richard le Waleys, and Alan son of Brian. And thereof the said Eufemia says that a certain Sapiencia, formerly Prioress of Snythethweytt, her predecessor as Prioress, in the time of peace in the time of King John, father of the Lord King that now is, presented a certain Robert Haget, her clerk, to the said church; who was admitted and instituted to the said church, on the presentation of the said Prioress, and died the last parson in the same; and thereof the said Prioress says that a certain Gundria Haget, for the health of her soul and the souls of her ancestors, gave and granted to God and St. Mary and the monks of Syningthwayt the advowson of the church of Bilton and the whole right which she had in the same advowson, by the charter of feoffment of Gundria herself, which she produces and which testifies this.

And Nichola and the others come and say that that charter ought not to harm them; because they say that after the making of that charter the said Gundria presented the said Robert Haget her clerk to the said church; who was admitted and instituted on her presentation, and died the last parson in the same. And well they say that the said Robert was never presented to the said church by the said Sapiencia, but rather by Gundria herself. And that this is so they put themselves on the assize. And be it known that that assize is taken by the assent of the parties.

The jurors say on their oath that in truth the said Sapiencia, formerly Prioress of Siningthweyt, presented the said Robert Haget, her clerk, to the said church; who was admitted and instituted at her presentation by the assent of the said Gundria, and died the last parson in the same. And therefore it is considered that the said Prioress do recover her presentation to the said church; and [that] Nichola and the others be in mercy. And let the Prioress have a writ to the Archbishop



of York that notwithstanding the claim of the said Nichola and the others, he do admit a worthy (*idoneam*) parson on the presentation of the said Prioress.

Robert Constable, on this is the parson of Spalding 14091  
 The assize comes to recognise if John the parson of the church of Holme, Robert son of Alice, Robert son of Herbert, and Simon Tag . . . . unjustly etc. disseised Maude de Beauver of her free tenement in Holme, after the first etc. And thereof she complains that they disseised her of three acres of land with appurtenances, which previously she recovered against him [? them]. And John and the others come and say nothing why the assize should remain, except only that they say that they did not disseise her of any tenement which she recovered against him [? them], because she is in seisin thereof, and held herself content therewith. And of this they put themselves on the assize.

The same assize by the same recognitors comes to recognise if Robert the Constable and John Hubert unjustly etc. disseised the said Maude of her common of pasture in Holme, which belongs to her free tenement in the said vill, after the first etc. And thereof she complains that they disseised her of common of pasture in a certain moor which contains about 400 acres, which common she recovered before the Justiciars at the last assizes, and had her seisin by the sheriff's bailiffs. And Robert and John come and say nothing why the assize should remain, except only that they say that she is in seisin of the said common of pasture of which she complains to have been disseised. And of this they put themselves on the assize.

The jurors say that the said John and the others did not disseise the said Maude of the said tenement, which she put in their view, unjustly etc., because they say that she is in seisin of the whole tenement which she recovered against him [? them]. They say also that she is in seisin of the said common of which she complains to have been disseised; and that the said Robert did not hinder her from being well able to common in the said moor, just as she recovered her common. And therefore it is considered that the said John and Robert and all the others do go thence without day; and [that] Maude do take nothing by those assizes, but be in mercy for a false claim etc.

Maude, who was the wife of Picot de Lasceles, puts in her place Ranulph de Akland or Thomas de Meynevill against Ralph de Amundevill and Avise his wife and others named in the writ in a plea of dower etc.

The Master of the Hospital of St. Leonard of York puts in his place Alan de Kime or John de Welle against Constance de Aclum [?] . . . . in a plea of dower.

William de Haverang acknowledges that he gave and granted to Walter de Grendal and Alice his wife, and the heirs begotten of their bodies, their reasonable estovers in his woods and in all his essarts or places meet to be essarted, with the exception of two bovates of land in Schipwith, as is more fully contained in the charter of the said William, which they have thereof.

The jury of twenty-four between Hawise de Thorp . . . . . is put in respite until the coming of R. de Thurkelby into those parts, unless the Lord King meanwhile shall have ordered otherwise, because the jurors of that jury do not come etc.

The Abbat of Melsa puts in his place Robert de . . . . .

[m. 7 d.] The assize comes to recognise if Gilbert de Gaunt unjustly etc. disseised Avice Marmyun of her common of pasture in Hundemanaby,<sup>1</sup> which belongs to her free tenement in the said vill. And thereof she complains that he disseised her of her common of pasture in a certain piece of moor which contains about three acres, where she was wont always to common. And Gilbert comes and says nothing why the assize should remain, except only that he says that she is in seisin of the common of pasture of which she complains to have been disseised. Afterwards that assize was put in respite until the next coming of R. de Thurkelby, when he shall come to those parts, on account of the default of the recognitors etc. And let the writ remain with the sheriff.

The assize of mort d'ancestor between Thomas de Wytelegh, chaplain, and Gilbert de Wetelegh,<sup>2</sup> concerning a tenement in Wetelegh, is put in respite until the next coming of R. de Thurkelby to those parts, on account of the default of the recognitors etc.

Cave (N 15) John de Kava claims against Hugh de Driffeld ten acres of meadow with appurtenances in Kava as his right etc. And Hugh comes and vouches to warranty thereof William son of John de Waukinton, who is present and warrants him and vouches to warranty thereof Roger Deyvill. Let him have him on the octave of S. Michael, at Westminster. And be it known that that plea is impleaded with the consent of the parties and at the prayer of the tenant etc.

<sup>1</sup> Hunmanby.

<sup>2</sup> Whitley.



## ASSIZE ROLL No. 1049.

PLEAS OF ASSIZES AND JURIES AT MALTON  
BEFORE H. LE BIGOD, JUSTICIAR OF ENGLAND,  
ON THE MORROW OF THE NATIVITY OF THE  
BLESSED MARY, IN THE 44TH YEAR (OF THE  
REIGN OF KING HENRY III).

[Memb. 1.] The assize<sup>1</sup> comes to recognise if Peter de Roos unjustly etc. disseised the Abbat of Ryvalle of his common of pasture in Bolum<sup>2</sup> which belongs to his free tenement in Skipnum,<sup>3</sup> after the first etc. And thereof he complains that he disseised him of common of pasture for 300 sheep in a certain moor which contains about 300 acres, where he was wont to common during the whole year. And Peter does not come; and he was attached by Alan the reeve of Bothelum and Roger the reeve of Pockeley; therefore they [are] in mercy. And let the assize be taken against him by default.

The jurors say that Peter disseised the Abbat of his said common of pasture in the said moor, where the Abbat was wont to have common for 300 sheep with their lambs until they were separated, unjustly etc. And therefore it is considered that the Abbat do recover his seisin by view of the recognitors; and that Peter be in mercy.

Damages: 40 shillings.

The assize comes to recognise if Richard de Wharrum father of Alan was seised in his demesne [as of fee] of a toft with appurtenances in Wharrum on the day on which [he died]; and if [Alan is his next heir]. Which toft the Abbat of Melsa holds. Who comes and says that Alan can claim nothing in the said toft, because he says that a certain Alice who was the wife of the said Richard, in respect of whose death [Alan claims], and who held that toft in dower, enfeoffed a certain Geoffrey le Cuverur, by whose grant he himself holds that tenement. And he says that Geoffrey afterwards acquired a charter of Alan himself confirming the said toft, which he produces and which testifies that Alan granted and confirmed to Geoffrey the toft with appurtenances; and that Alan and his heirs would warrant etc. And that this is so he puts himself on the assize.

<sup>1</sup> This suit is printed in the *Rievaulx Cartulary* (Surtees Society), p. 401.

<sup>2</sup> Beadlam, near Helmsley.

<sup>3</sup> Skiplam.

Wharrum  
Perey?



The jurors say that Geoffrey acquired the toft from the said Alice and Richard, so that he accepted a charter of feoffment from Alice, because she was then in seisin, and took a charter of Richard [? Alan] himself confirming the toft. And therefore it is considered that the Abbat do go thence without day ; and that Richard [? Alan] do take nothing by that assize, and be in mercy for his false claim.

The assize comes to recognise if William de Baylloll, Walter de Brandeby, and Thomas le Utlaghe unjustly etc. disseised William Yoll of his free tenement in Yarpestrop,<sup>1</sup> after the first etc. And thereof he complains that they disseised him of two acres and one rood of land and one acre and one rood of meadow with appurtenances.

The same assize by the same recognitors comes to recognise if the said William de Baylloll, William Burdun, and Walter de Brandeby unjustly etc. disseised the said William of his common of pasure in Yarpestrop which belongs to his free tenement in the same vill, after the first etc. And thereof he complains that they disseised him of common of pasture in half an acre, in which he himself was wont to common with all kinds of his beasts during the whole year. And William and the others did not come ; nor were they attached because they were not found. Therefore let the assizes be taken against them by default.

The jurors say that the said William, Walter, and Thomas disseised the said William of the said tenements, which he placed in their view, unjustly etc. And therefore it is considered that the said William Yoll do recover his seisin by view of the recognitors ; and William and the others be in mercy.

Damages : 40 pence.

And with regard to the second assize they say that the said William de Baillol and Walter de Brandeby disseised the said William of the said common of pasture, which he placed in their view, unjustly etc., as the writ says. They say also that the said William Burdun was not present when the said disseisin was made. And therefore it is considered that the said William do recover his seisin against the said William de Bayllol and William [? Walter] by view of the jurors ; and William and Walter be in mercy ; and William Yoll likewise be in mercy for a false claim against William Burdun.

Damages : 41 pence.

<sup>1</sup> Easthorpe, near Barton-le-Street.

The assize comes to recognise if Stephen de Menyll, Thomas Fossard, Alan son of Hervey, and Alan son of Emma unjustly etc. disseised Richard Hacekarl of his free tenement in Flathe-wath,<sup>1</sup> after the first etc. And thereof he complains that they disseised him of half a rood of land with appurtenances.

The same assize by the same recognitors comes to recognise if the said Stephen, Thomas, and the others unjustly etc. disseised the said Richard of his common of pasture in Aldewerk which belongs to his free tenement in Flathe-wath, after the first etc. And thereof he complains that they disseised him of common of pasture in sixty acres of moor, where he was wont to common with all kinds of his beasts during the whole year.

And Stephen and the others come, and Stephen answers for himself and all the others. And he says nothing why the assizes should remain, except only that he says that no common of pasture in Aldewerk belongs to any tenement in Flathe-wath, nor also has the said Richard ever used any common of pasture in Aldewerk as belonging to any free tenement of his in Flathe-wath. And of this he puts himself on the assize.

The jurors for the first assize say that Stephen and the others disseised Richard of the said tenement, which he put in their view, unjustly etc., as the writ says. And therefore it is considered that the said Richard do recover his seisin by view of the recognitors; and Stephen and all the others be in mercy.

And as for the second assize they say that Stephen and the others did not disseise Richard of his said common of pasture in Aldewerk belonging to his free tenement, because they say that Richard never used that common except by their gift (*pro suo dando*). And therefore it is considered that the said Stephen and the others do go without day; and that Richard do take nothing by that assize, and be in mercy for a false claim. Damages of the first assize: 12 pence.

The assize comes to recognise if John le Champyun of Thorenton, Robert del Hull, John de Cravene, Andrew son of Alan, William Barnefader, Walter Gouer, John le Despenser, Thomas de Flykeston, John the Chaplain of Alverstan, John the Chaplain of Thorneton, James the Miller, Robert Stob, Roger his brother, William the Reeve, Geoffrey at Brig (*ad pontem*) Roger Munning, John the Tailor, Reynold the Miller, William

<sup>1</sup> Flawith, in the parish of Alne.



Kinch, Reynold his son, Reynold the Shepherd, Alan the Reeve, Reynold son of Reynold the Miller, Richard the Smith, Reynold son of Tunnok, Ralph son of Tunnok, Andrew son of Tunnok, Walter son of John the Reeve, Geoffrey Brock, William Swyn, Thomas the Cowherd, Thomas le Boren, John Chytte, and Walter Gillocman unjustly etc. disseised Nicholas de Hasting of his free tenement in Auverstan, after the first etc. And thereof he complained that they disseised him of twenty acres of furze and twenty acres of turbary with appurtenances.

And John and all the others come and say that the vill of Auverstan is a member of the manor of Sir Reynold de Peking, in which no writ runs except the little writ of right close.<sup>1</sup> And therefore it is considered that the said Nicholas do take nothing by that assize. But inasmuch as no writ is provided in that case, therefore it is provided by the Justiciars that they do answer.

The assize comes to recognise if John de Ask, Gilbert de Rugemund, Stephen Mauvel, Ralph Dalling, Robert Mauvel, Adam Arundel, Roger Neucomen, Adam Totty, Walter Hog, Robert Wayman, John Ling, Robert son of Roger, John Prest, William Granger, William Colman, Hugh Bulur, William son of Hawe, and Luke Perunder unjustly etc. disseised William son of Bartholomew of Eskelby of his free tenement in Crosseby, after the first etc. And thereof he complains that they disseised him of half a rood of land with appurtenances.

The same assize by the same recognitors comes to recognise if John de Ask, Ralph Dalling, Roger Neucomen, Adam Totty, Robert Wayman, Walter Hog, John Ling, William Colman, William son of Hawe, John Prest, William Granger, Robert son of Roger, and Luke Perunder unjustly etc. disseised the said William of his common of pasture in Gayteneby which belongs to his free tenement in Eskelby and Crosseby, after the first etc. And thereof he complains that they disseised him of common of pasture in sixty acres of moor, in which he was wont to common with all kinds of his beasts during the whole year. And John and all the others come and say nothing why the assizes should remain.

The jurors for both assizes say that John, Gilbert and all the others disseised William of the said tenement, which he put in their view, and in like manner of the said common of pasture in Geyteneby belonging to his free tenement [in] Eskelby and Crosseby, unjustly etc.

<sup>1</sup> See Appendix II.



And therefore it is considered that the said William do recover his seisin by view of the recognitors ; and that John and all the others be in mercy.

Damages : 2 shillings.

Afterwards comes Ralph de Dalling and offers to the Lord King one mark for having a jury of twenty-four to convict the twelve. And it is received by the pledges of John de Ask and Gilbert de Rugemund. And the same are pledges for the prosecution. And therefore the sheriff is ordered to cause that jury to come.

Adam Neucumey of Beleby, William the reeve of Beleby, *of Nonsburgham* and William de Levene servant of Thomas de Craystok<sup>A</sup> are in mercy because they had not the said Thomas de Craystok before the Justiciar as they had undertaken.

[m. 1 d.] John son of Robert de Colton, who brought an assize of novel disseisin against William de Wyvill concerning common of pasture in Colton belonging to his free tenement in the said vill, does not go on. Therefore he himself and his pledges for the prosecution are in mercy, to wit William son of Robert de Haumelay and Reynold le Moyne of Edeston.

The assize comes to recognise if Walter de Ledde, Walter son of John, Henry de Crosseby, William de Crosseby, and Alan son of Beatrix unjustly etc. disseised Iseult de Massam of her free tenement in Eskelby, after the first etc. And thereof she complains that they disseised her of an acre and a half of land with appurtenances. And Walter and all the others come ; and they say nothing why the assize should remain, except only that they say that Iseult herself is in seisin of the said tenement of which she complains of having been disseised. And of this they put themselves on the assize.

And the jurors upon their oath bear witness to this. Therefore it is considered that the said Walter and all the others do go without day ; and that Iseult take nothing by that assize, and be in mercy for her false claim.

Margery, who was the wife of Robert de Bayllol, complained of John le Franceys that on the Tuesday next after the Annunciation of the Blessed Mary in the thirty-eighth year [of King Henry III], he sent a certain Richard his servant to the house of Margery in Rednesse, who at the command of John himself imprisoned her in her own house, to wit in a certain

solar, and kept her in prison until she had found for the said Richard safe pledges that she would be before the said John her Lord at York at a certain fixed term, to answer to the said John concerning that which John should wish to say against her, although she had offended him in nothing.

And she says that by this manner of coercion she went herself to York before the said John on the day fixed for her, and there could in no way escape nor acquit her pledges which she had found, until she had made a fine with John himself for sixty marks, and especially until she had granted to him certain land which she had in custody for a term of five years, and of which the custody was worth fifteen marks. And thereof she says that she is damaged and has a loss to the value of 100 marks. And thereof she produces suit.

And John comes and denies the force and injury when etc. And as for the said imprisonment he prays judgment whether he ought to answer concerning the sending or the command until the deed is proved.

Afterwards comes the said John and freely answers to the whole of the said trespass. And he denies the whole of it etc. And thereof he puts himself on the country. And Margery in like manner.

And the jurors chosen with the consent of the parties say upon their oath that the said Richard never imprisoned the said Margery at the command of the said John, nor kept her in prison as she complained. But they say that in truth a certain William, son and heir of Robert de Bayllol and the said Margery, after the death of the said Robert his father made a certain fine with him [John] for the relief and other things touching his inheritance, so that John himself distrained the whole tenement which was Robert's until the said William should find pledges or security for the said fine without any trespass to Margery. And therefore it is considered that John do go without day; and Margery be in mercy for her false claim.

Thomas Twapenes and Emma his wife, who brought an assize of mort d'ancestor against William Nedder concerning two parts of one bovate of land with appurtenances in Boington, came and withdrew. Therefore let William go without day; and Thomas and his pledges for the prosecution be in mercy, to wit William the clerk of Boington and Andrew son of Benedict of Eston,

Boington



John le Norreys, who brought an assize of novel disseisin against Thomas son of Michael de Dauton, John son of Margery, and others in the writ concerning a certain bank raised in Dauton Michel,<sup>1</sup> to the damage etc., in the same vill does not go on. Therefore let him and his pledges for the prosecution be in mercy, to wit Warin de Scargile and Richard de Harehen.

Peter de Rand, who brought an assize of novel disseisin against Robert de Lasceles concerning common of pasture in Catheholm (*sic*) belonging to his free tenement in the said vill, does not go on. Therefore let him and his pledges for the prosecution be in mercy, to wit Thomas de Ellington and Thomas son of Sygherith de Hunton.

The assize comes to recognise if Margery, who was the wife of William of St. James, Geoffrey de Wycumb, servant of Peter de Sabaudia of Neusum, and Alice his wife, and Alan of St. James unjustly etc. disseised Thomas son of Hugh de Clyf of his free tenement in Dreuton and Clyf, after the first etc. And thereof he complains that they disseised him of eight bovates of land with appurtenances in Dreuton, and of a third part of two bovates of land with appurtenances in Clyf. And Margary and all the others come and say nothing why the assize should remain, except only that the said Margery says that in truth the said Thomas at one time held the said tenement by the grant of Margery herself; but she says that Thomas afterwards surrendered the said tenements to her, and made his writing of quitclaim thereof. And that this is so she puts herself on the assize.

The same assize by the same recognitors comes to recognise if the said Thomas son of Hugh unjustly etc. disseised the said Margery of her free tenement in Clyf, after the first etc. And thereof she complains that he disseised her of a third part of one messuage with appurtenances. And Thomas comes and says nothing why the assize should remain.

The jurors for the first assize say that in truth Thomas at one time held the said tenements by the grant of the said Margaret by paying fifty shillings annually; but they say that Thomas of his own freewill afterwards remitted to Margery the said tenements with appurtenances, and made his writing of quitclaim thereof to her. Wherefore they say that Margery and the others did not disseise him unjustly etc. And therefore let them go without day; and Thomas be in mercy for a false claim.

<sup>1</sup> Dalton, in the parish of Kirkby Ravensworth.



And as for the second assize they say that the said Thomas did not disseise the said Margery of the said tenement, which she put in their view. And therefore it is considered that Thomas do go without day; and that Margery take nothing by that assize, but be in mercy for a false claim.

William Post and Alice his wife, who brought an assize of mort d'ancestor against the Prior of Kirkeham concerning six bovates of land with appurtenances in Frydaythorp, do not go on. Therefore let the Prior go without day; and William and his pledges for the prosecution be in mercy, to wit Richard son of Roger de Galmeton<sup>1</sup> and William his son of the same [vill].

The assize comes to recognise if Alice who was the wife of Edmund de Lascy, John Bek, Henry parson of the church of Normanton, Hugh the clerk of Catelford, Robert de Berwik, Henry Beueben, William de Walton, Roger de la Grene, and Alexander de Rothewell unjustly etc. disseised Roger le Peytevin of his free tenement in Toueton and Saxton, after the first etc. And thereof he complains that they disseised him of the manors of Toueton and Saxton with appurtenances. And Alice, John, and the others, save Henry the parson, do not come. But a certain John de Thorp, the bailiff of Alice, together with the said Henry the parson, comes and answers for her and all the others. And he says nothing why the assize should remain, except only that concerning the manor of Toueton he says that they made no disseisin thereof, because they say that if any disseisin was made thereof it was [made] by a certain Master Elyas the Jew of London, who had seisin of the said manor by order of the Lord King, and not by them. And as for the manor of Saxton, they say that he [Roger] brought that assize unjustly, because they say that the said Roger was bound to the said Alice in a debt of forty marks by his writing obligatory in which it is contained that, unless Roger paid to her the said debt at a fixed term contained in that writing, it should be lawful for Alice to seize that manor into her hand and hold it until she had taken therefrom the said debt of forty marks. And they say that because Roger did not pay the said money at the term appointed, Alice, therefore, who is the chief Lord of the fee, seized the said manor into her hand for the said reason. Wherefore they say that she claims nothing in that manor, neither the fee nor the free tene-

<sup>1</sup> Ganton.

ment. And they pray that it should be inquired by the assize if this is so.

The jurors say that the said Roger was bound to a certain Master Elyas, son of Master Mosse the Jew of London, in a certain very large sum of money which he had received from him by way of loan (*mutuo*), for which money the said manor of Toueton was the surety of the said Jew, so that the Jew, since Roger did not pay at his terms, brought a certain writ of the Lord King to the sheriff of York to have seisin of that manor, by which the Jew had seisin of the manor ; wherefore they say that the said Alice, John, and the others did not disseise the said Roger of that manor of Toueton. They say also that Alice, John, and all the others disseised Roger of the manor of Saxton unjustly etc., as the writ says. And therefore it is considered that Roger do recover his seisin by view of the recognitors ; and Alice and all the others be in mercy.

Damages : 50 marks.

The assize comes to recognise if Rycher de Arnhal, Robert de Gloucestre, John son of Richard de Wycheton, William Lillecok, and . . . bert Lillecok unjustly etc. disseised Richard de Rughton of his common of turbary in Arnhal<sup>1</sup> which belongs to his free tenement in the same vill, after the first etc. And thereof he complains that they disseised him of common of turbary in a certain place which contains one acre. And Richer comes and answers for himself and all the others, and says nothing why the assize should remain.

The jurors say that the said Richer did not disseise the said Richard of the said common of turbary, which he put in their view, unjustly etc., as Richard complained. And therefore it is considered that the said Richer and the others do go without day ; and Richard be in mercy for a false claim.

Mary the wife of Henry de Preston puts in her place Henry himself against Saer de Sutton in a plea of land.

Walter de Thurkelby offered himself on the fourth day against John le Bel and Henry de Westhag, William Munjoye, William de Wydinton, William de Feugers, and Hawkmun le Venur' in a plea, wherefore after the death of Roger de Thurkelby,<sup>2</sup> brother of Walter, they intruded into the manor of Duffeld which belonged to Roger, and in the fishpond of the said manor,

<sup>1</sup> Arnold, near Beverley.

<sup>2</sup> R. de Thurkelby died in June or early in July of 44 Henry III (*Dict. Nat. Biog.*).

North  
or  
South



at the command of the said John le Bel, fished and took fish to the value of 100 marks and carried them away, and took all the wild beasts in the park of the same place, and distrained the park and caused no moderate damages there to the disherison of Walter, and ejected Walter's men from that manor against the peace etc.; and in a plea wherefore the said John ordered this to be done. And he himself does not come etc. And the sheriff was ordered to have their bodies for this day. And the sheriff returned that they have not been found etc.; and have nothing by which [they can be distrained]. And therefore the sheriff was ordered to take them if they are found, so that he has their bodies on the octave of St. Michael where-soever H. le Bigod [may be]. And the sheriff returned etc. . . .

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#### ALSO OF ASSIZES AND PLAINTS.

[m. 2.] Walter de Grey, who brought a writ of trespass against Robert de Crepping, Robert his brother, and others in the writ, [complaining] that Robert and Robert had entered the house of the said Walter in Bukethorp, and had burned timber to the value of six marks, does not go on. Therefore Robert himself and the others go without day. And Walter and his pledges for the prosecution are in mercy, to wit William son of Emma de Bukethorp and Robert son of John le Surrays of Lokinton.

The Lord King gave commands to the well-beloved etc. H. le Bigod, Justiciar etc., that by the oath of proved [and lawful] men, by whom etc. he should diligently inquire whether William son of Nicholas the Forester killed Thomas son of Robert Welschod of Scardeburg by accident or by felony and malice aforethought; and if by accident by what accident and how; and that he should send without delay to the Lord King himself etc., the inquisition made thereof distinctly and openly.

The Abbat of Ryvalle offered himself on the fourth day against Adam de Jesemue<sup>1</sup> in a plea that, whereas he [the Abbat] holds his granges of Hadelton<sup>2</sup> and Rumblesmor and certain lands in Cullingwurth formerly of the fee of William de Cantilupe of Bingel'<sup>3</sup> in pure and perpetual alms by reason of a charter of William himself, exhibited in the presence of the Lord King, the said Adam, who holds the custody of the manor of Bingel' with the fee belonging to that

<sup>1</sup> Jesmond.

<sup>2</sup> Harden, near Bingley.

<sup>3</sup> Bingley



manor from the gift of Edward eldest son of the Lord King, to whom the Lord King granted that custody until the lawful age of the heir of the said William, distrained the said Abbat to do suit at his [Adam's] court of Byngel' from three weeks to three weeks, and to do to him [Adam] other customs and services, which the said Abbat was in no wise wont to do after the making of the said charter. And he [Adam] does not come. And the sheriff was ordered to have his body at this day. And the sheriff testifies that the said Adam did not allow himself to be attached. Indeed Adam caused certain cattle, which he [the sheriff] had caused to be taken for the attachment of the said Adam, to be rescued by his bailiffs. And therefore the sheriff was ordered as before to have the body of the said Adam in one month from the day of St. Michael wheresoever etc.; and in like manner to inquire who made the rescue of the said cattle, and to have their bodies for the same term. And thereof it was witnessed etc.

Henry son of Gervase de Naburn complains of Giles de Naburn that he [Giles] together with John his brother on the Friday next after the Beheading of St. John the Baptist, with force and arms came to his [Henry's] land in Naburn and took his corn to the value of one mark, and carried it away, and to this day keeps it from him, against the peace etc. And thereof he says that he has been damaged and has a loss to the value of half a mark. And thereof he produces suit.

And Giles comes and denies the force and injury, and the whole of it etc. And of this he puts himself on the country. And Henry in like manner.

John Hardelok complains of William son of Elias of Pontefract, that he [William] on the night of Palm Sunday in the 43rd year assaulted him by night, and beat him and wounded him and maltreated him and took him away with him through the whole vill of Pontefract; so that he, John, lost a certain purse in which he had fifty shillings in money (*denaratis*), a gold ring of the price of eighteen pence, tallies of twenty pounds, and account rolls for three hundred marks, on account of that trespass which he suffered. And thereof he says that he was damaged etc. to the value of a hundred pounds. And thereof he produces suit.

And William comes and denies the force and injury, when etc., and the whole of it etc., as John put it against him. And of this he puts himself on the country. And John in like manner. And therefore the sheriff is ordered to summon

before H. le Bigod on his next return twelve etc., by whom etc.; [to make] the recognition in the form aforesaid etc., as for either jury etc.; because both etc.; since no one from the West Riding was present etc.

Nicholas de Rolleston is in mercy for a false claim against Walter de Pykering. And in like manner the said Walter is in mercy for a trespass against the said Nicholas.

Geoffrey son of John de Wherfleton<sup>1</sup> and Emma his wife acknowledge that they have demised and granted to Thomas de Heslerton junior one bovat and a half of land in Westheslerton with all its appurtenances, and one bovat of land with appurtenances in Edingham,<sup>2</sup> to have and to hold to the said Thomas and his heirs or assigns from the feast of Pentecost in the 44th year [of King Henry III] for a term of six years fully to be completed. And the said Geoffrey and Emma and Emma's heirs will warrant etc.; as is more fully contained in the chirograph thereof made between them etc.

Richard Cook of Wherfelton<sup>1</sup> and Maude his wife acknowledge that they have demised and granted to Thomas de Heslerton junior for nine marks, which he has given them beforehand, a bovat of land with appurtenances in Westheslerton and a bovat of land in Edingham with appurtenances, to have and to hold to the said Thomas and his heirs or assigns from the said feast of Pentecost in the 44th year for a term of six years fully to be completed. And the said Richard and Maude and Maude's heirs will warrant etc., as is more fully contained in the chirograph thereof made between them.

Alan le Gras puts in his place Ralph de Thorenton, clerk, or Robert de Roynges against William de Horsenden in a plea of debt etc., before the barons of the Exchequer.

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#### ALSO OF PLAINTS AT SCARDEBURG.

[m. 2 d.] The Abbat of Ryvalle puts in his place Alan de Bowelton or John de Newenton against Richard de Wassaund in a plea of land; and against William de Mumbray in a plea of a fine made; and against William de Lascell in a plea of land; and against Adam de Gesemue and John de Surdevall in a plea of trespass by two writs.

<sup>1</sup> Whorlton.

<sup>2</sup> Yedingham.



Emma le Cupere complains of William de Whallesgrave<sup>1</sup> that, whereas on the Saturday next before the Ascension of the Lord in the year [     ], she committed to the said William a certain box with a charter concerning a toft in Scardeburg, together with a mantle and a tunic, as pledge for two shillings which she had received from him as a loan, until the Friday the morrow of the Ascension of the Lord, the said William extracted the charter from the said box and kept it from her, to her damage of 100 shillings etc.

And William comes and denies the force and injury, and the whole of it etc., and puts himself on the jury of the vill of Scardeburg. And Emma in like manner.

And the jurors say on their oath that Emma handed no charter to William in pledge, nor did [William] keep any from her. And therefore it is considered that the said William do go without day; and that Emma be put in custody. She is poor.

Eudo de Kyrkeby complains of Roger Hutred, Robert Pa, John Baldeyn, Adam Huthred, Thomas his brother, Roger Fareman that, on the feast of St. Peter ad Vincula in the 38th year [of the reign of King Henry III] they put him outside the community of the vill of Scardeburg, and that they caused him to be prevented (*inheberi*) through the whole vill, nor could anybody deal with him in buyings or sellings, and that they prevented him from having fire and water in his house, and that they took away from him utensils of his house, to wit a brass pot and a towell of the price of one mark, and that they still keep them from him. He also complains that the said Roger and others took away from him a certain Agnes his wife, and caused her to abjure him, and tallaged him at their will. Wherefore he says that he is damaged and has a loss to the value of forty marks. And thereof he produces suit.

And Roger and the others come and deny the force and injury, when etc. And well do they deny that about the said time they did not make the said trespasses against Eudo, because Roger says that they themselves and other burgesses of the vill of Scardeburg hold the said borough from the Lord King at fee farm, so that on the said feast of St. Peter, when the Lord King caused his other boroughs and lordships to be tallaged after he returned from Gascony, they themselves tallaged the said borough of Scardeburg and assessed the said Eudo for three shillings by the sworn tallagers of the borough;

<sup>1</sup> Falsgrave, near Scarborough.



and that because Eudo refused to pay that tallage, and was in like manner unwilling to be in other respects in lot and scot with them and others of the said vill, and was indeed wholly a rebel in all these matters, they themselves with the assent of the whole community provided that the advantages of the said borough should be withdrawn and prohibited as regards Eudo; and that nobody should deal with him in buyings or sellings until he allowed himself to be judged (*justitiari*). Wherefore the said Roger well acknowledges that he being mayor at the time, caused his bailiffs to seize the said pot and towell of the said Eudo for the said tallage of three shillings. And that he himself and the others made no other trespass against Eudo they put themselves on the jury of the vill of Scardeburg. And Eudo in like manner.

And the jurors chosen by consent of the parties say on oath that Roger and the others are not guilty in any way of the said trespasses alleged against them. And therefore it is considered that the said Roger and the others do go without day; and Eudo be in mercy for a false claim.

Margery, who was the wife of Adam de Wandifford,<sup>1</sup> seeks against William son of Thomas de Lunberewe the third part of two acres of land with appurtenances in Scardeburg as her dower etc.; and whereof she has nothing etc.

And William comes and by leave gives to her her said dower. Therefore let her have her seisin etc.

It is found by the jury on which Roger Huthred and the Abbat of Ryvalle put themselves, that the said Roger, on the day of the Invention of the Holy Cross last past, distrained a certain Gregory, a merchant coming to the port of Scardeburg with 198 quarters of wheat in a certain ship, which corn, with the exception of twenty-four quarters, the said merchant had previously sold to the attorney of the Abbat himself; and that he compelled the said merchant to sell to him [Roger] half of the said corn, to wit ninety-nine quarters; and that he took the 100th quarter from him, to the loss of the Abbat of forty shillings. And therefore let Roger satisfy the Abbat for the said moneys; and be in mercy for the trespass.

The said Abbat is in mercy for a false claim against the said Roger concerning a certain other plaint.

The assize comes to recognise if John de Lengesby<sup>2</sup> unjustly etc. disseised Adam de Roston of his free tenement in Scarde-

<sup>1</sup> Wansford, near Driffild.

<sup>2</sup> Slingsby (see p. 76).

burg, after the first etc. And thereof he complains that he disseised him of thirty-six feet in length and half a foot in breadth. And John comes and says nothing why the assize should remain.

The jurors say that the said John disseised the said Adam of the said tenement, which he put in their view, unjustly etc. And therefore it is considered that the said Adam do recover his seisin by view of the recognitors ; and John be in mercy.

Damages : half a mark.

Henry son of Richard de Hilderthorp complains of Geoffrey Modipas that the said Geoffrey, on the Tuesday in the week of Pentecost in the 41st year [of the reign of King Henry III] at the head of the vill of Hilderthorp, assaulted him and beat him with a certain stick, and illtreated him, and afterwards stabbed him through the middle of the arm with a knife, against the peace etc. He says also that on account of that beating he almost lost his hearing on one side. And thereof he says that he is damaged and has a loss of 100 shillings. And thereof he produces suit.

And Geoffrey comes and denies the force and injury, and whatever is against the peace etc.; and the whole of it etc. And he puts himself on the country.

The said Geoffrey also complains of the said Henry, that he [Henry] beat him and maltreated him, and broke his arm, against the peace etc. And Henry denies the whole of it etc. And he puts himself on the country.

And the jurors chosen by consent of the parties say on their oath that truly Henry assaulted Geoffrey first with force and arms, so that he broke Geoffrey's left arm with a certain axe and maltreated him ; and afterwards in process of time came Geoffrey and assaulted Henry, and stabbed him through the middle of the arm with a certain knife, and beat him and maltreated him, against the peace etc.

And therefore let both be committed to gaol. And let neither satisfy the other for damages, but let recompense be made thereof etc.

Walter son of William le Franceys by his attorney complains of Roger Hutred that when he himself, after the death of the said William his father, who held his tenements in Edbreston of the said Roger, had made a fine with Roger for having seisin of his land for one mark, and Roger had given seisin thereof in consideration of that fine, and he himself [?Walter] on account of the security of that gift had betaken himself to remote parts,



the said Roger afterwards intruded into two bovates of his [Walter's] land in Edbreston, and holds them occupied ; wherefore he says that he is damaged and has a loss to the value of thirty shillings. And thereof he produces suit.

And Roger comes and denies the force and injury, when etc. And he well acknowledges that he took the said fine from Walter, but says that Walter demised to him certain land in Marton for a certain term, which has not yet expired, by his writing, and that Walter is bound to warrant that land to him etc. And he says that Walter was thereafter impleaded thereof in the hundred [court] of Pikeriſg, and by judgment lost that land, so that he himself for that cause was ejected from the said land. And he says that afterwards he came to Walter and demanded the warranty of that land to be made to him, so that Walter committed the said two bovates of land to him in respect of that warranty for the said term. And that this is so he puts himself on the country.

And the jurors chosen by consent of the parties say upon their oath that truly Roger gave to Walter his land in Edbreston for the said fine of one mark, and that Walter afterwards demised to Roger certain land in Marton for a term, which has not yet expired, which [land] he was bound to warrant to Roger, and which Walter afterwards lost by judgment ; but they say that Roger after the said loss intruded on his own authority into the said two bovates of land, without the licence and will of Walter. And therefore it is considered that Walter do recover his seisin thereof ; and Roger be in mercy for the trespass and do satisfy him for his damages, which are taxed by the jurors at fourteen shillings.

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[m. 3.] ALSO OF ASSIZES, JURIES, AND PLAINTS BEFORE  
H. LE BIGOD, JUSTICIAR OF ENGLAND, AT  
MALTON, ON THE THURSDAY, THE MORROW  
OF THE NATIVITY OF THE BLESSED MARY,  
IN THE 44TH YEAR.

The sheriff was ordered to cause to come here the jurors of the novel disseisin, which was summoned and taken before Peter de Percy, the Justiciar assigned for this, between John son of Robert, plaintiff, and Katherine daughter of William de Stapleton and Sibil her sister, concerning tenements in Stapleton and Cotteworth,<sup>1</sup> for the purpose of certifying etc.

<sup>1</sup> Cudworth.



with respect to certain articles touching that assize etc.; and whereof the said Katherine and Sibil complain that the jurors of that assize were insufficiently examined. And the said Katherine and Sibil, and likewise the said John, come by their guardians because they are under age. And Katherine and Sibil, being questioned upon those things about which the said jurors were insufficiently examined, say that in this they [the jurors] spoke the truth, that a certain Robert de Stapleton, father of the said John, enfeoffed John himself of certain tenements whereof he complained that he was disseised, [namely] of one messuage, twelve bovates, eight score acres of land . . . , twelve acres of meadow, forty acres of wood and waste, and 100 shillings rent, with appurtenances in Stapleton; but they say that they [the jurors] were not questioned concerning the manner of the feoffment, nor whether he [John] was put in seisin by the said Robert or not. For they say that if they [the jurors] had been examined as to this, they would have said fully that the said John was never put in seisin of the said tenements in the life of the said Robert and especially with Robert's knowledge; for which reason they would have well said that John was never in seisin of the said tenements as of a free tenement. And that this is so they pray that it may be inquired etc.

And the jurors questioned about this say that they only wish to say as they said before, to wit that Robert, eight days before his death, enfeoffed John his son of the said tenements by his charter, and sent a certain Thomas de Horber', his servant, with his letters patent to put John in seisin thereof. And they say that the said Thomas put him in seisin of these tenements, so that he was in seisin thereof, to wit, of the said tenements in Cotteworth for eight days while Robert was alive, and cultivated and sowed a certain part of the land; and of the said tenements in Stapleton for one day and a half; and in like manner he cultivated a certain part of that land so that he put a certain plough on the land, and from the tenants of those tenements took homage, and from some of them fealty; and in like manner a certain portion of money by way of recognition. And they say that they said a like verdict before the said Peter [de Percy, the Justiciar], nor do they know or wish to say anything else. And therefore it is considered that the said jurors examined about this have given satisfaction; and that the said Katherine and Sibil do take nothing by that [writ of] certification; and that the said judgment do remain in full force; and [that] John (*sic*) be in mercy; he is pardoned because he is under age.

The assize comes to recognise if John de Bek, Henry de Normanton, Bertram the serjeant, and William the Fox unjustly etc. disseised Thomas de Thornton of his free tenement in Thornton, after the first etc. And thereof he complains that they have disseised him of the moiety of a water-mill with appurtenances. And William the Fox comes and says nothing why the assize should remain. And John and the others do not come. And Henry was attached by Roger Kyrkeman of Normanton and Robert Spencer of the same [vill]. Therefore they are in mercy. And John and Bertram were not attached because they were not found. Therefore let the assize be taken against them by default.

The jurors say that the said John and all the others disseised the said Thomas of the tenement, which he put in their view, unjustly, as the writ says etc. And therefore it is considered that Thomas do recover his seisin by view of the recognitors; and John and the others be in mercy

Damages: 1 mark.

The assize comes to recognise if Peter de Ros, Thomas de Houeton, Nicholas the Provost, Alan son of Simon, John son of Henry, William Droyer, John son of Walter, Thomas Blysse, Thomas Attilkelde, William Schoch, William Wadylove, Hugh Drury, William Kypping, Robert Schoch, Henry Patres, Thomas de Bobylton, Adam Hare, Thomas Toske, Geoffrey le Brazur, Robert son of Thomas, Stephen Stage, Richard the Reeve, William his son, Nicholas son of Richard, Richard Foghis, Nicholas his brother, Geoffrey son of Alan, John son of Roger, Walter Bagoch, Thomas son of Ivetta, Walter de Bruneby, Thomas Brun, Stephen his son, Walter Byscop, John his son, Thomas Popedy, James Biscop, Thomas Hunter, Thomas his son, Everard Hunter, Adam de Bryggedal, William Swevere, John Leyard, Godfrey Gere, Andrew the Mason, William his son, Roger the Shepherd, William Aeglise, Henry de Clewing, John de Fisclok, Robert Arkel, Richard son of William, John son of John, Robert son of Hilda, Richard de Guthemundham, Henry Scharp, William de Sothon, Robert de Sothon, Adam son of Godfrey, Walter Bo, Adam Croft, Robert de Betrecht, Adam son of Thomas, Stephen Alafuntayne, Peter the Provost, Stephen Schirning, Stephen son of Cedde, Serlo Sterin, Serlo Helewis, Thomas son of Geoffrey and Hamo his brother, unjustly etc. disseised the Prior of Wartre of common of pasture in Wartre, which belongs to his free tenement in the same vill, after the first etc. And thereof he complains



that they disseised him of 200 acres of pasture, where he was wont to common during the whole year, and of about 200 acres of land, where he was wont to common after the corn was carried. And no one comes save the said Peter de Ros. But Peter comes and says nothing why the assize should remain. And Thomas de Oueton was attached by Henry son of Erneburg de Yupton<sup>1</sup> and John Scarf of the same [vill]. Therefore they are in mercy. And none of the others were attached, because they were [not] found. Therefore let the assize be taken against them by default. And Adam de Ryplingham and Geoffrey Mauleverer of Bolton, recognitors, do not come. Therefore they are in mercy.

The jurors say that the said Peter and all the others disseised the said Prior of the said common, which he put in their view, unjustly etc., as the writ says. And therefore it is considered that the said Prior do recover his seisin by view of the recognitors ; and Peter and all the others be in mercy.

Damages : 20 shillings.

The assize comes to recognise if Richard de Ruedon and Joan his wife, Ralph son of Hugh, Nicholas Cudhou, Laurence son of Luke, Ralph son of Luke, Roger son of Walter, and John son of Laurence unjustly etc. disseised the Prior of Healaugh Park of his free tenement in Bretteby,<sup>2</sup> after the first etc. And thereof he complains that they disseised him of half a carucate of land and two tofts with appurtenances. And Richard comes and says nothing why the assize should remain. And the others do not come ; nor were they attached, because they were not found. Therefore let the assize be taken against them by default. And thereupon comes Henry de Ferlington and says that he himself is in seisin of the said tenement, and was [in seisin] before that writ was obtained ; and he prays that an inquiry be made.

The jurors say that truly the said Henry holds the said tenement, but was enfeoffed thereof after that writ was obtained. They say also that the said Richard and the others did not disseise the said Prior of the said tenement unjustly etc. as he complains, because they say that the Prior never was in seisin of the said tenement as of a free tenement, nor had he anything therein save a term of twelve years by the demise of a certain Stephen. And therefore it is considered that the said Richard and the others do go without day ; and the said Prior be in mercy for a false claim.

<sup>1</sup> Upton.

<sup>2</sup> Birkby.



Afterwards comes the said Prior and offers one mark for having a jury of twenty-four to convict the twelve. And it is received by pledges, Robert de Thorny and Thomas de Thorny. And the sheriff is ordered to have the jury here on Saturday.

Alice wife of William Malekake puts in her place William her husband or Richard son of Reynfrey against Thomas de Ioneby in a plea of trespass, whereof she complains etc.

Maude, who was the wife of Adam de Byri, puts in her place Adam de Byri, her son, and Henry de Wolvenly against Ralph de Miton in a plea of trespass, whereof she complains etc.

The assize comes to recognise if the Abbat of Meaux unjustly etc. raised a certain bank in Skiren to the nuisance of the free tenement of the Prior of Watton.

William de Boshal is in mercy for a trespass.

Elyas de Flanvill is in mercy for a trespass.

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[m. 3 d.]      ALSO OF JURIES, ASSIZES, AND PLAINTS  
BEFORE H. LE BIGOD.

The assize comes to recognise if Adam de Rythe, uncle of Thomas son of Syegerilt de Hunton, was seised in demesne as of fee of one rood and a half of meadow and the moiety of one rood of land with appurtenances in Hunton on the day on which [he died], and if etc. Which meadow and which land Stephen de Rythe holds. Who comes and says nothing why the assize should remain. And John de Scrafton, Alexander de Haukeswell, and Elyas Bogeys of Erthethorn,<sup>1</sup> recognitors, do not come. Therefore they are in mercy.

The jurors say that the said Adam, of whose death etc., died seised of the said meadow and land after the term etc., and that the said Thomas is his next heir. And therefore it is considered that the said Thomas do recover his seisin by view of the recognitors; and Stephen be in mercy.

Richard son of Hugh, who brought an assize of mort d'ances-  
tor against Robert de Veteri Ponte and Robert Mone con-  
cerning a messuage of 30 acres of land, two shillings and a  
pound of cumin of rent, with appurtenances in Scauceby, came

<sup>1</sup> Arrathorne, near Richmond.

and withdrew against the said Robert de Veteri Ponte. Therefore he himself and his pledges for the prosecution are in mercy, to wit Roger de Ledis and Ralph de Lounisdale.

The assize comes to recognise if Henry Godeman, John son of Thomas, Adam le Mercer, and Roger Mustard unjustly etc. disseised Walter Sauvage of his common of pasture in Stretford<sup>1</sup>; and thereof he complains that they disseised him of his common of pasture in half a rood of moor. And Henry and the others come and say nothing why the assize should remain.

The jurors say that the said Henry and the others disseised the said Walter of his common of pasture in a fourth part only of one rood of moor unjustly etc. And therefore it is considered that the said Walter do recover his seisin by view of the recognitors; and Henry and the others be in mercy; and in like manner the said Walter be in mercy against the said Henry and the others concerning the remainder [*i.e.* the other quarter rood].

Damages: 12 pence.

The assize comes to recognise if Adam de Brigheym,<sup>2</sup> father of Beatrice wife of Robert de Fribus, was seised in his demesne etc. of two parts [*i.e.* thirds] of two bovates of land with appurtenances (except half an acre of land) in Ruddesteyn<sup>3</sup> on the day on which [he died]; and if etc. Which land Richard Curney holds. Who came and made an agreement by licence. And the said Robert and Beatrice give one mark for licence of concord, by the pledge of the said Richard. And such is the agreement that the said Richard acknowledges the said land with appurtenances to be the right of Beatrice, and he gives up the land to Robert and Beatrice to hold of himself [Richard] and his heirs by the services which belong to that land for ever.

The jury of twenty-four to convict the twelve comes to recognise if Master John de Schelton, Hugh son of Robert of Pontefract, Adam Reng, and Henry de Belasis unjustly etc. disseised Peter de Schelton of his free tenement in Schelton, after the first etc. And thereof the said Peter at another time before Peter de Percy, the Justiciar assigned for this, complains that they disseised him of the moiety of a windmill, and of the

<sup>1</sup> Startforth, near Barnard Castle.

<sup>2</sup> Brigham, wapentake of Dickering.

<sup>3</sup> Rudston.



moiety of a horsemill, and of a rood of land with appurtenances. And thereof the said Master John now complains that the [twelve] jurors for the said assize taken before the said Peter [de Percy] made a false oath, in that they said that Master John and the others disseised him [Peter de Schelton] of the said tenements, because they [John etc.] say that they did not disseise him of the said tenements unjustly. For he says that the said Peter gave to him the said tenements, and of his own free will put him in seisin thereof. And that this is so he asks for an inquiry by the [twenty-four] jurors. And the said Peter and likewise the jurors of the said assize now come and say nothing why the jury should remain.

The [twenty-four] jurors say that the said Master John disseised the said Peter of the said tenements unjustly etc.; and that the [twelve] jurors of the said assize swore well. And therefore it is considered that the said Peter do go without day; and the said [twelve] jurors be quit; and Master John be taken into custody. He makes a fine for twenty shillings by pledges.

The assize comes to recognise if William le Latymer, William Heyrun, and Arnold the reeve of Nocton unjustly, etc. disseised Richard le Normand and Elizabeth his wife of their free tenement in Ulvelay,<sup>1</sup> after the first etc. And thereof they complain that they disseised them of ten acres of land, five acres of meadow, and five acres of wood with appurtenances. And the said William and William do not come, but Arnold the reeve comes and answers for himself, and for the said William and William as their bailiff; and he says nothing why the assize should remain. And Gerard de Thurg'lond,<sup>2</sup> William Danyel of the same [vill], Richard de Oxprig',<sup>3</sup> and Jordan de Bilham, recognitors, do not come. Therefore they are in mercy.

The jurors say that the said William Heyrun, Richard and Elizabeth hold the said tenements in common so that a fourth part of the said tenements belongs to the said William, and three parts of them are the right and inheritance of the said Elizabeth; and they say that the said William le Latymer and the others never prevented the said Richard and Elizabeth from being able to make their profit of the said three parts. Wherefore they say that they did not disseise them. And therefore it is considered that the said William and the others do go without day; and Richard and Elizabeth do take nothing by that assize; but be in mercy for a false claim.

<sup>1</sup> Woolley, near Barnsley.

<sup>2</sup> Thurgoland,

<sup>3</sup> Oxspring, near Penistone,

The assize comes to recognise if Peter de Mauley unjustly etc. obstructed a certain way in Lokington to the nuisance of the free tenement of John Maunsel, the reeve of Beverley, in Suthdalton, after the first etc. And thereof the said John by his attorney complains that, whereas he himself was wont to have his way (*chiminum*) to drive his cattle and to carry with carts and wagons from the vill of Levene as far as the said vill of Dalton, the said Peter raised a certain wall and obstructed the said highway so that he [John] cannot carry and drive as conveniently as he was wont. And Peter comes and says nothing why the assize should remain. And Thomas de Dreuton, William son of Gamelin de Middilton, Ralph son of Robert de Meltenby, recognitors, do not come. Therefore they are in mercy.

The jurors say that the said Peter obstructed the said way to the nuisance of the free tenement of the said John, which he put in their view, unjustly etc., as the writ says. And therefore it is considered that the said wall be pulled down at the cost of the said Peter so far as it shall be to [John's] nuisance by view of the recognitors.

Damages : half a mark.

Alan son of Andrew de Langethorn, who brought a writ of trespass against Geoffrey son of Peter, Hugh de Otrinton, Hugh son of Robert Beme, and others [named] in the writ, does not go on. Therefore he himself and his pledges for the prosecution are in mercy, to wit Thomas son of Stephen de Kyrkeby in Ebor' and William de Thorenton, son of William Curvays.

Franco son of William gives half a mark for licence of concord with Henry son of Robert Bodus of Sutton in a plea of an assize of mort d'ancestor, by the pledge of Simon de Preston. And let him have a cyrograph. And the concord is such that the said Henry remits to him the whole etc. And Franco gives to him half a mark etc.

Nicholas son of Thomas de Tanestern of Hayton, who brought an assize of novel disseisin against William de Croystoc,<sup>1</sup> William son of Helewise, and others [named] in the writ concerning a tenement in Brunum,<sup>2</sup> does not go on. Therefore he himself and his pledges for the prosecution are in mercy, to wit William de Tanestern and Thomas de Tanestern. The amercement of Nicholas is pardoned because he is under age.

<sup>1</sup> Greystoke.

<sup>2</sup> Nunburnholme.

Roll 1045  
44. Hen III  
1060.



Walter son of William the Marshal, who brought an assize of mort d'ancestor against Simon the Carter and Dyonisia his wife concerning twenty-two acres of land with appurtenances in Estrington, does not go on. Therefore he himself and his pledges for the prosecution are in mercy, to wit Alexander de Dreuton and Robert son of William of the same [vill].

Margery daughter of Thomas de Routh, who brought an assize of novel disseisin against Walter de Fauconberwe concerning a tenement in Catwyk, does not go on. Therefore she herself and her pledges for the prosecution are in mercy, to wit William son of Nigel de Rungeton<sup>1</sup> and Henry son of Simon of the same [vill]. The pledges have died and Robert (*sic*) is poor.

Avice de Laysingby, who brought a jury of twenty-four to convict twelve against John de Lesingeby concerning twelve bovates and one acre and a half of land with appurtenances in Lesingeby, does not go on. Therefore the said John goes without day. And Avice and her pledges for the prosecution are in mercy, to wit Master Nicholas of Marton and Thomas de Buthon<sup>2</sup> in York, skinner.

William de Percy acknowledges that he owes Stephen Haget seven marks, which he will pay him on the month of Martinmas in the 44th year. And unless he does so he grants that the sheriff may levy it of his lands etc.

[m. 4.]

#### ALSO OF JURIES, ASSIZES AND PLAINTS BEFORE H. LE BIGOD etc.

The assize<sup>3</sup> comes to recognise if William the Constable and Elyas the Hayward unjustly etc. disseised Saer de Garegrave of his common of pasture in Esthalsam and Westalsam, which belongs to his free tenement in Estalsam, after the first etc. And thereof he complains that they disseised him of his common of pasture in four acres of meadow, where he was wont to common after the hay was strewn and carried. And William and Elyas do not come; but Roger Finch comes and answers for them as their bailiff. And he says that the said Saer unjustly brought that assize; because he says that he was never in seisin of the said common of pasture so that he could be disseised thereof; and that this is so he puts

<sup>1</sup> Rounton.

<sup>2</sup> Bootham.

<sup>3</sup> This entry is crossed out; and in the margin "*vacat quia alibi*"; see p. 126.

himself on the assize. And the jurors witness the same. And therefore it is considered that the said William and Elyas do go without day, and that Saer take nothing by that assize, but be in mercy for a false claim.

The assize comes to recognise if Gerard Salvay[n], father of Robert, was seised in his demesne etc. of the manor of Hersewell<sup>1</sup> with appurtenances, except five bovates of land, seventeen acres of meadow, three tofts, and the advowson of the church of the same vill on the day on which [he died] ; and if [Robert is his next heir] ; which manor Gerard son of Gerard holds, who comes and says nothing why the assize should remain, except only that he says that the said Gerard, of whose death etc., did not die seised of the said manor, because he says that the said Gerard [Salvayn] a long time before his death enfeoffed thereof Gerard himself, son of Gerard, and made his charter to him thereof. And that this is so he puts himself on the assize.

And Robert says that whatever charter the said Gerard produces concerning feoffment by the said Gerard his father, the said Gerard [his father] never changed his status in respect to that manor, but always on the making of the said charter and afterwards remained in seisin thereof until he died ; and that he died seised thereof. And that this is so he puts himself on the assize.

The jurors say that the said Gerard, of whose death etc., died seised of the said manor as of fee after the term, and that the said Robert is his next heir. And therefore it is considered that the said Robert do recover his seisin by view of the recognitors ; and Gerard be in mercy. He is pardoned because he is under age.

The said Robert acknowledges that he has given and granted to the said Gerard son of Gerard eight marks of land with appurtenances in Crohum<sup>2</sup> by a reasonable extent, and all the lands and tenements which belonged to the said Gerard the father of Robert in Langeton, to have and to hold to the said Gerard and the heirs begotten of his body of Robert and his heirs by the services which belong to those tenements. And if the said Gerard should die without heir of his body, then after the decease of Gerard all the said lands and tenements with appurtenances shall remain to Joan and Nichola sisters of the said Gerard and to the heirs begotten of their bodies, to hold of Robert and his heirs by the same services. And if

<sup>1</sup> Harswell, near Market Weighton.

<sup>2</sup> Croom.



the said Joan and Nichola die without heirs begotten of their bodies, then after the decease of both of them the said lands and tenements with appurtenances shall revert to the said Robert and his heirs, quit of other heirs of the said Gerard, Joan and Nichola, for ever. And be it known that the said Robert took the homage of the said Gerard etc.

Thomas son of Thomas de Anlacby, who brought an assize of novel disseisin against Adam, Abbat of Rivall, concerning his common of pasture in Wycheclif which belongs to his free tenement in Kayton, came and withdrew. Therefore the said Abbat [goes] without day ; and Thomas and his pledges for the prosecution are in mercy, to wit Robert de Roston and Ralph de Locton.

Richard de Harphram, parson of the church of Burton, complains of Martin de Oteringham that when he Richard had sold to him [Martin] his corn at Burton in the 42nd year for fifty-five pounds [? marks], which he ought to have paid to him at the feast of St. Botulph in the 43rd year, the said Martin only paid to him twenty-eight marks thereof and ever afterwards kept from him the residue, to wit twenty-seven marks. Whence he says that he is damaged and has a loss to the value of ten pounds. And thereof he produces suit.

And Martin comes and cannot deny that he is bound to the said Richard in the said money. And therefore it is considered that the said Martin do satisfy the said Richard for the said twenty-seven marks and for his damages which are taxed at five marks ; and be in mercy for the trespass because before etc. Afterwards the said Richard granted to the said Martin a term up to the feast of St. Michael next to come for paying the said money. And the sheriff is ordered that, unless he [Martin] pays the said moneys at the said term he do cause it be made from the lands etc., and do cause the said Richard to have them without delay.

John de Arnhall, parson of Lund, was attached to answer Geoffrey de Chauncy in a plea whereas when John lately demised to him certain land with appurtenances in Bukethorp for a term which has not yet expired, and was in full seisin thereof by that demise, the said John afterwards falsely and to the deception of the court of the King allowed himself to be impleaded for the same land by a certain Alice de Arnhal before the Justiciar of the King at Westminster, so that the said John rendered that land to the said Alice in the court of the King by a certain

fine made there between them, although he did not hold the land at the time, on account of which the said Geoffrey was ejected from the land and wholly lost the crop which he had sowed therein to his no small expense and loss etc. And thereof the said Geoffrey complains that when the said John had demised to him seventeen bovates of land with appurtenances in Bukethorp, to hold from Easter of the 44th year for a term of ten years next following fully [to be] completed, and the said Geoffrey had ploughed and sowed that land, the said John permitted himself to be impleaded by the said Alice for the said land, so that John rendered it to her; whence by that render which John made to the said Alice, he [Geoffrey] is damaged and has a loss to the value of forty marks. And thereof he produces suit and produces also a certain writing which bears witness to the said agreement.

And John comes and denies the force and injury etc.; and says that he wishes to acknowledge a certain truth. For he says that it was agreed between the said Alice and himself, that Alice demised to him the said land to farm for twenty marks paid her yearly; and that he [John] afterwards demised the said land to the said Geoffrey in like manner to farm for sixteen marks paid him yearly; and because the said Geoffrey did [not] remit to him his said farm [rent] at the terms agreed between them, nor had he [John] any other source, whence he could render the farm in which he was bound to the said Alice, except from the said farm in which the said Geoffrey was bound to him, and as the said Alice had impleaded him [John] before the Justiciar of the Lord King *de banco* concerning the said agreement, he [John], compelled by necessity, rendered that land to her.

And therefore it is considered that the said John be in mercy; and do satisfy the said Geoffrey for his damages, which are taxed at (*blank*). Afterwards came the said John and made a fine for the said damages for twenty marks, of which he will pay to him [Geoffrey] one moiety at Christmas of the 45th year and the other at Pentecost next following, by the pledges of William de Marton and Peter Gyllot, who are present and grant that unless the said John pays etc. the sheriff may levy it of their lands etc. And he made a fine for his amercement for one mark by the same pledges.

Richard de Breus, who brought a writ of trespass against the Prior of Ellerton, Brother Adam de Belesby and others [named] in the writ, does not go on. Therefore the said Prior



and the others shall go without day ; and Richard and his pledges for the prosecution are in mercy. Let the names of the pledges be asked, because afterwards it was witnessed *de banco* that he [Richard] was in Wales at the time of the summons.

Maude de Bury by her attorney offered herself on the fourth day against Ralph de Mitton in a plea, whereas he broke the barn of Maude in Wychichil<sup>1</sup> and carried off corn and other of her goods found there to the value of forty shillings, against the peace etc. And he [Ralph] does not come etc. And the pledges made default. And therefore the sheriff is ordered to distrain him by all his lands etc., so that he shall have his body before the Justiciar at the first assize etc., unless H. le Bigod etc.

Thomas son of Hugh de Clif, who brought a writ of trespass against Alan of St. James, Geoffrey de Wycumb and others [named] in the writ, does not go on. Therefore he and his pledges for the prosecution are in mercy, to wit William de Cayvill in Clif and Gamel de Corneto of the same [vill].

The Prior of Wartre offered himself on the fourth day against Adam son of William de Belesby, Richard the reeve, Jordan de Seleby and Thomas de Crestok, in a plea whereas the said Adam, Richard and Jordan, at the command of the said Thomas, arrested the carts of the Prior in a public [highway] and seized and carried off and detained his horses, against the peace etc.; and in a plea whereas the said Thomas ordered that trespass to be done. And they do not come etc. And the pledges made default, so that the sheriff was ordered to have the bodies here etc. And the sheriff returned that Adam le Newcomen of Belesby, William the reeve, and William de Levene of the same [vill] were mainpernors for them. Therefore they are in mercy. And the sheriff was ordered to distrain them by all their lands etc.; so that etc., until etc.; and to answer for the issues etc.; and to have their bodies on the octave of St. Martin wheresoever H. le Bygod etc. And the Prior puts in his place Andrew de Rypum<sup>2</sup> or John de Belesby.

Richard de Oteringham offered himself on the fourth day against William de Lascell [and] William de Fontibus, in a plea whereas they came to his [Richard's] house in Oteringham, which he had for a term of four years and a half, and beat and maltreated a certain Henry his servant and broke the door

<sup>1</sup> Withgill. See Kirkby's *Inquest*, p. 17.

<sup>2</sup> Ripon.

of his barn, and threshed corn found in the barn to the value of ten pounds and carried it off, against the peace etc. And they do not come etc. And the sheriff was ordered to have their bodies here etc. And the sheriff witnesses that he had given orders to the bailiff of the liberty which belonged to the Earl of Albmarl in Holdern[ess], who did nothing in the matter. And therefore the sheriff was ordered not to omit, by reason of the said liberty, to have their bodies in fifteen days from the day of St. Martin wheresoever H. le Bygod etc. And thereof the sheriff returned etc.

The sheriff was ordered to cause to come here the jurors of the assize of novel disseisin which was summoned and taken before the Justiciars of the King last itinerant in the County between Walter de Grey plaintiff and Robert de Crepping concerning tenements in Bugethorp, to certify to the Justiciars as to certain articles touching that assize. And thereof the said Robert complains that the said jurors were insufficiently examined, especially concerning the damages which were adjudged to the said Walter on the occasion of the said disseisin. For he says that whereas the said Walter, on the occasion of that disseisin, if indeed there had been [any disseisin], had sustained damages to the value of twenty shillings, the said jurors assessed the said damages at ten pounds, in which matter he says that the said jurors had been insufficiently examined.

And the jurors, now questioned as to what damages the said Walter had, say that [they were] of the value of ten pounds as they said before, nor do they wish to say anything else. And therefore it is considered that the said Walter do go without day ; and Robert be in mercy for a false claim.

William Yol, who complained of William Bayllol, came and withdrew. Therefore the said William de Bayllol shall go without day ; and William Yol and his pledges for the prosecution are in mercy, to wit William King of Apelton and Bernard de Ayrmundeby.

[m. 4 d.] The assize comes to recognise if Robert Gege unjustly etc. disseised Adam de Roston of his free tenement in Scartheburg, after the first etc. And thereof he complained that he disseised him of a certain piece of land which contains twenty feet in length and one foot in breadth. And Robert comes and says nothing why the assize should remain.



The jurors say that the said Robert disseised the said Adam of half a foot of land in breadth in one place, and a foot in another place, and of twenty feet of land in length, unjustly etc., as the writ says. And therefore it is considered that the said Adam do recover his seisin by view of the jurors ; and Robert be in mercy, and that Adam likewise be in mercy for a false claim.        Damages : half a mark.

The assize comes to recognise if Adam de Roston unjustly etc. disseised John de Slengesby of his free tenement in Schartheburg, after the first etc. And thereof he complains that he disseised him of a piece of land which contains in length about thirty feet, and in breadth two feet and a half. And Adam comes and says that the said John cannot be disseised of the said tenement, which he put in their view. For he says that he can claim nothing in the said tenement except by reason of a certain Maude his wife, whose right and inheritance the said tenement is. And that this is so he puts himself on the assize.

The jurors say that the said Adam disseised the said John of half a foot [of land] in breadth in one place, and one foot in another place, and of thirty feet [of land] in length, and in no place of two feet and a half in breadth. Therefore it is considered that the said John do recover his seisin of the said tenement by view of the jurors ; and Adam be in mercy ; and that John likewise be in mercy for a false claim.

Damages : half a mark.

Henry the Mercer, Eudo de Kirkeby, Simon Amarik, Ralph Priket, Adam the Saucer (*Pulment*), Simon son of Hilda, Geoffrey son of Gerard, Adam Wysp, William de Lutton, Geoffrey de Folketon, William son of Robert, Alexander his brother, Ralph de Wynketon, Walter de Watton, Bernard de Hundmanby, Robert the Carpenter, Simon Cryvok, Thomas his brother, Thomas Bagge, John de Swanesthorp,<sup>1</sup> Robert the Salter, Roger son of William, Adam son of Uthing, Geoffrey son of Juliana, Hubert le Walker, Robert le Sage, Reynold the Cordwainer, Walter his brother, Walter the Clerk, Henry his brother, John Spotothebrowe, John son of Baldwin, Matthew Myrden, Robert the Tiller, Ralph Ragheleng, Roger his son, Robert Dusing, Roger Wulron and Robert Alwy on behalf of themselves and the community of the vill of Scartheburg, complain of Roger Uctred, Robert Pa, John de Limberg, John Halden, Thomas Beryer, Robert Roston, Adam Uctred,

<sup>1</sup> Possibly Swaythorpe, which has disappeared.

Thomas Uctred, Roger Farman, John Beufrunt, Henry le Macegre, Maude la Berier and Emma la Berier, that whereas they [the plaintiffs] themselves are in lot and scot and tallageable with the said Roger and the others, whensoever the Lord King tallages the borough of Scartheburg, and ought to [have the right to] buy all kinds of merchandise coming to the said borough by water, as the said Roger and the others buy, the said Roger and the others draw to themselves all kinds of purchases of whatever merchandise comes to the said borough of Scartheburg; nor do they allow Henry and the others to buy any merchandise, nor merchants coming to the said town to buy as by the community<sup>1</sup> of the town they ought to do, to their manifest prejudice. Whence they say that they are damaged and have losses to the value of 200 pounds etc.

And Roger, Robert and the others come and deny the force and injury which etc. And well do they acknowledge that the said Henry and the others are in lot and scot with them with all the other burgesses of the said vill; and that they [Henry etc.] freely and without constraint by the said Roger and the others ought to [have the right to] buy any merchandise coming to the said vill, if the merchants to whom that merchandise belongs are willing to sell it to them; but they say that they themselves have not prevented Henry and the others from being able to buy all kinds of merchandise at their will; but in truth they say that because certain merchants have a greater preference for Roger and the others than for the said Henry and the others, they [the merchants] sell their merchandise more willingly to them than to the said Henry and the others. And that they have made no other injury to them, they put themselves on the jury of the vill.

And the jurors chosen by consent of the parties say on their oath that the council of the borough of Scartheburg is such that certain burgesses of the town must be chosen from the common council of the whole community of the town to meet foreign merchants, coming by sea from diverse lands to the said town with their merchandise, who know not nor understand the English tongue, so as to be intermediaries between those foreign merchants and the other English merchants who wish to buy their merchandise, because those foreign merchants do not understand the English tongue, so that they [the foreign merchants] may be truthfully protected by them [the appointed burgesses] for selling their merchandise. And they say that the said Roger and the others, of whom the

<sup>1</sup> *i.e.* the laws and customs.



said Henry and the others complain, have been chosen for this by the community of the said vill ; and by this reason they draw to themselves the foreign merchants and buy from them all their merchandise which they have had carried by sea to the said vill ; nor do they allow the other burgesses of the said vill who are of the community of the said vill to buy any merchandise from the said foreign merchants. Wherefore they say that the whole community of the said vill is damaged and has a loss to the value of 200 pounds. Wherefore they say that they [the plaintiffs] have been damaged by the said Roger to the extent of twenty-two pounds, by Robert Pa thirty-two pounds, by John de Limberg twenty-two pounds, by John Haldan ten pounds, by Thomas le Berier forty shillings, by Robert de Roston six pounds, by Adam Uctred fifteen pounds, by Thomas Uctred ten pounds, by Roger Farman forty pounds, by John Beufrunt six pounds, by Henry le Macegre six pounds, by Maude la Berier twenty-two pounds, and by Emma la Berier thirty-two pounds.

And therefore it is considered that the said Roger and the others do satisfy the said Henry, Eudo and the others of the community for the said damages ; and the said Roger and the others be put in custody for the trespass.

Afterwards came the said Robert de Roston and made a fine for his amercement for five marks, by the pledges of Robert the Carpenter and Adam de Roston and others, as is contained in the estreat (*estrecta*).<sup>1</sup> Afterwards came the said John Haldan and made a fine for twenty shillings, by the pledges of John de Wandesford and Thomas de Anlakeby and others etc. And Adam Huthred made a fine for ten marks, by the pledges of William de Everlay and Robert Beaufrunt and others etc. And the said Thomas Beryer made a fine for one mark, by the pledges of Thomas Haldan, Roger Haldan, Roger de Eversley and others etc. And John Beaufrunt made a fine for 100 shillings, by the pledges of Alan Beaufrunt and Robert Beaufrunt and others etc. And Thomas Uctred for six marks, by the pledges of Everard Stacy, Simon Americ and others etc. And Maude la Berier made a fine for five marks, by the pledges of Robert le Redye, Robert Beaufrunt and others etc. And Emma la Berier for fifteen marks, by the pledges of Adam Huthred and Adam de Roston and others etc., And John de Limbergh for ten marks by the pledges of (blank). And Roger Farman for ten shillings, by the pledges of (blank).

<sup>1</sup> See Appendix II.

Afterwards it was provided by William de Everle[y], Alan Beufrunt, Everard Stacy, Richard de Paxton, William de Pycheford, John son of William, John de Thorenton, Alan son of Eudo, William Raynbald, Robert de Suwell, William son of Alan, Richard de Brumpton and Henry Sampson, the sworn middle men (*mediocres homines*) of the borough of Scartheburg, and granted by the whole community of that borough both rich and poor, that all the burgesses of that borough and each of them shall have henceforth share (*societatem*) and reasonable part in all kinds of merchandise and goods to be bought and sold in their presence if they exact a share therein: and that no one shall buy nor sell any merchandise in a way which the burgesses of that town call a deceitful and covert buying; nor buy any fish nor herring (*allecia*) from fishermen, except from the rising of the sun until the going down thereof and here between the open sea and Duncotestreme from the northern side of the Northoutgate as far as Skerthale; and no one shall go at sunset in ships or boats coming outside the said bounds for the purpose of buying fish or herring: but if anyone buys corn or salt in gross for selling, let him sell thereof to any of the burgesses whatsoever of the said vill who have desired to have some for use in their households without any constraint one measure, to wit one quarter or a half or two quarters at the price for which it was bought from the merchant in the first instance, so long as that merchandise shall be in the ship from which it was purchased or any part thereof; and it is provided that anyone bringing merchandise to Scartheburg shall henceforth sell freely without the bailiff's licence; and likewise any burgess shall buy freely without the said bailiff's licence, so that each one shall hold to any agreement which he shall have made with a merchant in respect to a purchase; and if anyone shall be unwilling or unable to hold to [such agreement] after he has been convicted thereof by view of his neighbours once, twice and thrice he shall lose his buying for one year; and likewise if anyone sell contrary to any of the other articles he shall lose his merchandise bought contrary to the aforesaid statutes, so that . . . . . and be in the bailiff's mercy. And be it known that this provision was made and read at Schartheburg on the Thursday next after the feast of the Exaltation of the Holy Cross, in the 44th year, before H. le Bygot, Justiciar of England, in the presence of the whole community of the borough, both rich and poor, who unanimously consented [to it].



[m. 5.]

ALSO OF JURIES, ASSIZES, AND PLAINTS  
BEFORE H. LE BYGOT.

Walter de Grey, parson of the church of Masseham, who brought a jury of 'Utrum' against John de Wauton concerning one acre of land with appurtenances in Masham, does not go on. Therefore he himself and his pledges for the prosecution are in mercy, to wit William son of Peter de Buggethorp and William son of Adam the Dean.

Elias de Burel, who brought an assize of mort d'ancestor against Roger son of Niel de Wellebek concerning one carucate of land with appurtenances in Fornebrug', does not go on. Therefore he himself and his pledges for the prosecution are in mercy, to wit Adam le Taylur of Tholthorp and Peter son of Robert de Midelton.

Geoffrey Pycot, who brought an assize of novel disseisin against Alan de Lathum and others [named] in the writ concerning a tenement in Karleton, came and withdrew. Therefore he himself and his pledges for the prosecution are in mercy, to wit Thomas de Thorentonrust and John de Riche of Riche-mund. The amercement of Geoffrey himself is pardoned because he is poor.

The assize comes to recognise if Thomas son of Hugh de Clif unjustly etc. disseised Margery of St. James of her free tenement in Clif, after the first etc. And thereof she complains that he disseised her of the third part of one messuage with appurtenances. And Thomas comes and says nothing why the assize should remain.

The jurors say on their oath that the said Thomas did not disseise the said Christiana (*sic*) of the said tenement, which she put in their view, unjustly etc., because they say that she herself is in seisin thereof. And therefore it is considered that the said Thomas do go without day; and Christiana take nothing by that assize, but be in mercy for a false claim.

Richard de la Haye, who brought an assize of novel disseisin against Adam de Everingham and others [named] in the writ concerning a tenement in Birsey, came and withdrew. Therefore he himself and his pledges for the prosecution are in mercy, to wit Thomas de Bayton and Richard le Fraunceys.

Ivo son of William de Killingwike, who brought an assize of novel disseisin against William de Percy of Kildal concerning

a tenement in Killingwike,<sup>1</sup> does not go on. Therefore he himself and his pledges for the prosecution are in mercy, to wit Nicholas of St. James of Brunneby and Adam Sampson of the same [vill].

The jury of twenty-four to convict the twelve comes to recognise if Hugh de Hilderskelf, father of Robert de Hilderskelf, was seised in his demesne etc. of two bovates of land with appurtenances in Slengesby on the day on which [he died]; and if [Robert is the next heir]. Which land Alice Aget held; who now comes and complains that the jury of the assize of mort d'ancestor, taken before the Abbat of Peterborough the Justiciar and his fellows at York between the said Robert and Alice, made false oath.

And Robert comes and says that the jury ought not to be made, because he says that never was any assize of mort d'ancestor arraigned between them concerning the said land by such a writ; and that by a jury of the country taken thereof between them by consent of the parties he himself recovered his seisin of the said land against her. And this is proved by the rolls of the Justiciar on his said iter. And therefore it is considered that the said Robert do go without day, and Alice be in mercy for a false claim. She is pardoned because she is poor.

Ralph son of Walter and Maude his wife, who brought an assize of mort d'ancestor against John de Chauncy concerning one bovat of land with appurtenances in Wharhum, do not go on. Therefore they themselves and their pledges for the prosecution are in mercy, to wit Robert de Neusum and Stephen le Brokur.

Walter of Le Dike, who brought an assize of novel disseisin against Peter of Le Dike and others [named] in the writ concerning a tenement in Le Dike,<sup>2</sup> does not go on. Therefore he himself and his pledges for the prosecution are in mercy, to wit William Russell of Holderness and Adam son of Walter Chaun of Preston.

Adam son of Walter le Camm and Gundreda his wife, who brought an assize of mort d'ancestor against the Abbat of Thorenton concerning a messuage and two parts (thirds) of half a bovat of land with appurtenances in Flinton, do not

<sup>1</sup> Kildwick Percy.

<sup>2</sup> Probably Lelley Dike, a farm near Preston-in-Holderness.



go on. Therefore they themselves and their pledges for the prosecution are in mercy, to wit Richard le Waleys of Aclum and Walter son of Uctred of le Dike in Holdernesse.

The assize comes to recognise if Walter de Pikering and Walter son of Edusa de Mapelton unjustly etc. disseised Agnes daughter of Henry de Stutevill of her free tenement in Mappelton within the summons of the iter of R. de Thurkelby etc. And thereof she complains that they disseised her of a messuage, the moiety of one bovate and seven acres of land with appurtenances. And Walter and Walter come ; and they say nothing why the assize should remain, except only that the said Agnes never was in seisin of the said tenements as of a free tenement so that she could be disseised thereof. And of this they put themselves on the assize.

The jurors say that the said Henry de Stutevill, father of the said Agnes, at one time held the said tenements in fee, and that, while on his death bed, he enfeoffed Agnes herself of those tenements by his charter and put her in seisin for five days before his death, and that she was in peaceful seisin thereof until the said Walter and Walter ejected her thence. Wherefore they say that the said Walter and Walter disseised the said Agnes of the said tenements unjustly etc., as the writ says. And therefore it is considered that the said Agnes do recover her seisin by view of the recognitors ; and Walter and Walter be in mercy.

Damages : one mark.

Robert de Bayllol offered himself on the fourth day against William de Cumpeyne in a plea, whereas he [William] beat, wounded and maltreated him [Robert], against the peace etc. And he [William] did not come etc. And the sheriff had been ordered to distrain him by his lands etc., so that he should have his body on this day. And the sheriff returned that the said William has nothing etc. by which he can be distrained, nor does he permit himself to be attached. And therefore the sheriff is ordered to (*blank*).

The jury of twenty-four to convict the twelve comes by Simon de Killing, Robert de Fritheby, Alan de Lek, Robert de Lacel, William de Halteby, John de Rungeton, Peter de la Haye, John de Kayn, Thomas son of William de Merston, Patrick de Westwik, Philip de Mileford, John of the same [vill], Henry son of the Master of Tatecastr', Roger de Fareburn, Richard de Colton, Nicholas Bucharde of Acastre, Roger de

Nafferton, William son of Oliver de Dalton, William de Grimston, Thomas de Barcston, Gilbert de Hudelston, Robert de Ruggeden, John de Blaby and Henry de Bileburg, to recognise if Richard de Ruedon and Joan his wife, Ralph son of Hugh, Nicholas Cudhou, Laurence son of Luke, Ralph son of Luke, Roger son of Walter and John son of Laurence, unjustly etc. disseised the Prior of the Park of Helawe of his free tenement in Bretteby,<sup>1</sup> after the first etc. And thereof the said Prior formerly complained that the said Richard and the others disseised him of half a carucate of land and two tofts with appurtenances. And thereof the said Prior now complains that the jurors of the assize of novel disseisin, which was summoned and taken between them here, made false oath, (inasmuch as they said that the said Prior could not be disseised of the said tenements, because he had nothing in them except only a term of twelve years by the demise of a certain Stephen de Waltham), since he says that the said Stephen enfeoffed him [the Prior] of the said tenements by his charter, so that by the said feoffment he was in seisin of them as of a free tenement, until the said Richard and Joan and the others unjustly etc. disseised him thereof. And that this is so he puts himself on the jury. And Richard and the others come and say nothing why the jury should remain. And likewise the [twelve] jurors of the first assize, to wit William de Benevill of Hothon, Robert de Smetheton,<sup>2</sup> Morgan de Ditton, Stephen de Soureby, Thomas de Smitheton, William son of Oliver de Everley, Roger de Welleberg, William son of Walter de Salcoke, John Lungespe of Brumpton, Ranulph de Brumpton, Richard de Fonte in Dalton, Robert son of Juliana in Kepwik.

The jurors say on their oath that the said Stephen enfeoffed the said Prior of the said land and tofts with appurtenances, and made a charter of feoffment to him thereof which was read in the full county [court] of York, so that the said Prior was by the said feoffment in seisin of the said tenements, as of a free tenement, for about eleven years until the said Richard, Joan and the others ejected him; whence they say precisely that the said Richard and all the others unjustly etc. disseised the said Prior of the said tenements, which he put in their view; and that the said [twelve] jurors made false [oath] in this, because they said that the said Prior had nothing in the said tenements except a term of twelve years. And therefore it is considered that the said Prior do recover seisin by view of the recognitors; and that the said Richard and all the others

<sup>1</sup> Birkby.

<sup>2</sup> Smeaton.



be put in custody ; and that the said [twelve] jurors be committed to gaol. And because the said Ranulph de Brumpton swore without view having been made, therefore let him alone be redeemed and restored to his law and status.<sup>1</sup>

Damages : 35 shillings. Costs : 22 shillings and 8 pence.

[m. 5 d.] The Prior of Ellerton complains of Thomas de Northyby, William his son, Nicholas de Tillingwik, Richard Cok and Henry the parson of the church of Alton, that the said Thomas, William and the others on the Monday next before the Nativity of the Blessed Mary, in the 41st year [of King Henry III] at the command of Henry the parson made an assault on a certain Robert and Richard, the Prior's men, and overturned the Prior's carts and seized his corn, being in the said carts, and carried it off, against the peace etc. He also complains that the said Thomas, William and the others on the Wednesday next before the feast of St. Barnabas, in the 43rd year, came with force and arms to the Prior's land in Lathum at the command of the said Henry and seized his corn, being in one acre of land, to the value of half a mark, and carried it off. And in like manner on the morrow of the Assumption of the Blessed Mary in this year came the said Henry the parson, together with certain of his servants, to the Prior's land in the said vill, who cut the Prior's corn in the same place as before by night and carried it off, against the peace of the Lord King. Wherefore he says that he is damaged and has a loss to the value of twenty pounds. And thereof he produces suit.

And Henry and all the others come, and Henry, questioned as to how he wishes to acquit himself of the said trespass, says that he is a clerk and that he will not answer here except before his ordinaries. And the Prior prays judgment concerning him as a man undefended. And therefore it is considered that the said Henry do remain undefended ; and that the said Prior do recover the said losses of 100 shillings and costs of twenty pounds ; and that Henry be committed to gaol.

And Thomas, William and all [the others] deny the force and injury which etc.; and whatever is against the peace and the whole [of it] etc. And they put themselves thereof on the country. And the Prior in like manner.

Afterwards comes the said Prior and prays licence for withdrawing from the writ, and he has it. Afterwards comes

<sup>1</sup> This is obscure ; but the point seems to be that as Ranulph had no view, it could not be said that he swore falsely.

the said Henry the parson and makes a fine for his amercement for ten pounds, by the pledges of Godfrey de Melsa, William de Aton, Roger de Linton, William son of Sayve de Ellerton, Henry de Herlethorp, Robert of the same [vill], Nicholas of St. James, Thomas Northyby of Lathum and Thomas the Forester of Seton.

The assize comes to recognise if William the Constable and Elyas the Hayward unjustly etc. disseised Saer de Caregrave<sup>1</sup> of common of pasture in Esthalsam and Westhalsam which belongs to his free tenement in Esthalsam, after the first etc. And thereof he complains that they disseised him of common of pasture in eighty acres of meadow where he was wont to common after the hay had been raised and carried, until the said William and Elyas prevented him from being able to common there as he was wont. And of this he prays an assize. And William and Elyas come and say nothing why the assize should remain.

The jurors say that the said William and Elyas did not disseise the said Saer of the said common of pasture in the said meadow, which he put in their view, because they say that the said Saer was never wont to common there save only by the grace or permission of the said William. And therefore it is considered that the said William and Elyas do go without day ; and that Saer do take nothing by that assize, and be in mercy for a false claim.

The assize comes to recognise if Alice, mother of Alice de Bukethorp, was seised in her demesne etc. of one messuage and two bovates of land with appurtenances in Bukethorp on the day on which [she died] ; and if etc. Which messuage and land John de Arnhal holds, who comes and says nothing why the assize should remain.

The jurors say that the said Alice [the mother] died seised of the said messuage and land in her demesne as of fee, and after the term ; and that the said Alice is her next heir. And therefore it is considered that the said Alice do recover her seisin by view of the recognitors ; and that John be in mercy for unjust detention.

The sheriff was ordered to bring here Roger Hutred, Adam de Roston and John son of Richard de Walegrave to answer to the Lord King why they withdrew the suit of the wapentake of Pikering in respect to a carucate of land in Walesgrave<sup>2</sup>

<sup>1</sup> Gargrave.

<sup>2</sup> Falsgrave, near Scarborough.



which is in the demesne of the Lord King in Pikering, and fifteen pence of fines of the wapentake in respect to the same carucate of land to the damage of the Lord King . . . . . because it was presented that the said Roger and the others had made the said withdrawal. And Roger and the others come. And they say that they withdrew nothing from the Lord King, because they say that the Lord King granted to them and other burgesses of Escardeburg his manor of Walesgrave with all appurtenances without any retention, to hold to them and their heirs for the amplification of the borough of Scardeburg from the Lord King and his heirs at fee farm as freely as they hold the said borough. And they produce the charter of the Lord King which testifies this. And questioned if they have anything else for acquittance of the said suit and the said fine, they say no.

It is found by the jury on which Roger Hutred put himself that the said Roger now for three years past has withdrawn the suit of the wapentake of Pikering in respect to two carucates of land in Preston, nor has he allowed his tenants of Edbreston to follow the hue when it happens to have been raised, nor in addition to make suit before the Justiciars, nor to make any aid with the said township (*villata*) as they were wont to do. And therefore it is considered that he do satisfy the Lord King for his damages, which are taxed by the jurors at one mark; and be in mercy for the trespass. And the sheriff is ordered to distrain him henceforth to do the said suit; and likewise to distrain the said tenants to contribute with the said township as often as they happen to be amerced or make a fine, and also to follow the hue and do other things which before they were wont to do etc.

Thomas de Ioneby was attached to answer William Malekake concerning a plea whereas when Joan, daughter and one of the heirs of Robert Manievileyn, was in the wardship of the said William and Alice his wife by the sale of William de Percy of Kildal, from whom the said Robert held his land by military service, and when the marriage of Joan belonged to William and Alice by reason of that sale, the said Thomas in prejudice of William and Alice fraudulently withdrew Joan; and married her without the leave and will of William and Alice; and entered into the lands which belonged to the said Joan by right and inheritance, the wardship of which belonged to William and Alice until the lawful age of Joan; and holds them occupied etc.

And Thomas comes and cannot deny that he withdrew the said Joan from the wardship of William and Alice, nor that he married her and entered into her lands, the wardship of which belonged to William and Alice until the lawful age of the said Joan, as the said William and Alice complain. And therefore it is considered that the said Thomas do satisfy them for their damages ; and be in mercy for the trespass. He made a fine for 100 shillings, by the pledges of William Lovel and Robert de Kariby.

Afterwards came the said Thomas and made a fine with the said William and Alice for their damages for twenty-four marks, of which he will pay to them twelve marks at the feast of St. Michael, in the 44th year, and twelve marks at the feast of All Saints next following. And unless he does so he grants that the sheriff may levy it of his lands etc. And moreover he found these pledges, William son of Ralph and Robert de Kareby.

James le Mazun, who brought an assize of novel disseisin against Geoffrey Agyllun, Robert de Turnham and others [named] in the writ concerning a certain way in Besewik obstructed to the nuisance of his free tenement in Lokinton, does not go on. Therefore he and his pledges for the prosecution are in mercy, to wit William Mutum of Lokinton and William de Rydal of the same [vill].

The Prior of Watton complains of Brian de Killingwik, William Thume, Thomas de Katton, William Brown, Joan Salvayn, Adam de Lythum and Simon servant of John Russell, that when the Lord King took into his protection and defence the said Prior and other canons of the order of Simplingham and granted to them by his charter that their beasts in their common pasture should not be seized into [any] hand, nor impounded, the said Brian together with the others on the Tuesday next after the feast of Holy Trinity, in the 43rd year, seized and caused to be seized 100 sheep of the Prior in Killingwik and had them impounded in the court of Gerard Salvayn in the same vill, and kept them in the pound until the morrow at the ninth hour, against gage and pledge, and against the liberty and protection of the Lord King, and against the peace etc. Wherefore he says that he is damaged etc. to the value of twenty pounds etc.

And Brian comes and denies the force and injury, and the whole of it etc. And he well denies that he himself on the



said day did or ordered to be done to the said Prior the said trespass as is alleged. And of this he puts himself on the country. And the Prior in like manner.

And the jurors chosen by consent of the parties say on their oath that the said Brian did cause the said sheep to be seized by the said Adam de Lythum and others in the common of pasture of the said Prior in Killingwik and caused them to be impounded in the court of Gerard Salvayn in the same vill, and kept them in the pound for one day and one night until the bailiff of the Lord King came to free them ; and [that] then the said Brian caused those sheep to be driven thence ; wherefore they say that by reason of that impounding certain of them immediately afterwards died.

And therefore it is considered that the said Brian do satisfy the said Prior for the damages which are taxed by the jurors at twenty shillings, and be in mercy for the trespass.

The said Prior offered himself on the fourth day against the said William, Thomas and others in a plea of the said trespass. And they do not come. And therefore the sheriff is ordered to cause them to appear at the next coming of Hugh le Bigod etc. And the writ remains with the sheriff.

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[m. 6.] OF ASSIZES AND PLAINTS AT BEVERLEY ON THE  
SUNDAY NEXT BEFORE THE FEAST OF  
SAINT MATTHEW, IN THE 44<sup>TH</sup> YEAR.

The assize comes to recognise if Robert de Munteny unjustly etc. disseised Thomas de Bella Aqua and Alice his wife of their free tenement in Colley, after the first etc. And thereof he [? they] complain that he disseised them of eleven acres of land with appurtenances.

The same assize by the same recognitors comes to recognise if the said Robert unjustly etc. disseised the said Thomas and Alice of their common of pasture in Colley, which belongs to their free tenement in the said vill, after the first etc. And thereof he [? they] complain that he disseised them of their common of pasture in two and a half acres of meadow in which they were wont to common after the hay has been raised and carried, and in every third year for the whole year ; and in like manner of their common in a certain piece of land, which contains eighty feet in length and ten feet in width in one place and thirteen score feet in length

and ten feet in width in another place, where they were wont to common for the whole year with every kind of beast etc. And Robert comes and says nothing why the assize should remain.

The jurors as to the first assize say that the said Robert did disseise the said Thomas and Alice of the said tenement, which he [? they] put in their view, unjustly etc., as the writ says. And therefore it is considered that the said Thomas and Alice do recover their seisin by view of the recognitors ; and Robert be in mercy. And as for the second assize they say in like manner that the said Robert disseised the said Thomas and Alice of their common of pasture in the said places unjustly etc. And therefore it is considered that the said Thomas and Alice do recover their seisin by view of the jurors ; and Robert be in mercy.

Damages of the first assize : 4 shillings.

Damages of the second assize : 2 shillings and 8 pence.

The sheriff was ordered to cause to appear on this day the jurors of a certain inquisition which was summoned and taken before J. de Oketon, sheriff, and the keepers of the pleas of the Crown etc. between Henry de Braham, plaintiff, and Elyas son of Adam de Plumpton and Elena his wife, concerning two bovates of land with appurtenances in Braham and two bovates of land with appurtenances in Spofford, for certification to the Justiciars etc. And thereof the said Henry complains that when he should have recovered his seisin thereof before R. de Thurkelby, the Justiciar, etc. by an assize of novel disseisin taken thereof between them, the said Elyas again disseised Henry unjustly etc. And thereof the said Elyas and Elena now complain that whereas the said Henry never arraigned any assize of novel disseisin against them concerning the said tenements before the said Roger or any other Justiciar, nor ever recovered his seisin against them in respect of the same, the said Henry falsely and in deception of the court of the Lord King acquired a writ of the Lord King of redisseisin directed to the said sheriff and keepers of the pleas of the Crown etc. against them [Elias and Elena], by reason of which the said jurors of that inquisition, insufficiently examined as to this, said that Elyas and Elena again unjustly etc. disseised the said Henry of the said tenements, whereas Henry had never recovered seisin thereof by any assize of novel disseisin.

And in like manner [the sheriff was ordered] to cause the said Henry to come to hear the certification etc.



And the said jurors now come ; but the said Henry does not come. And the sheriff testifies that he has not been found. Therefore the certification is taken by default.

And the jurors say on their oath that in truth the said Henry did recover his seisin of the said tenements against the said Elyas and Elena before G. de Ludham, then dean of the church of St. Peter of York, and W. le Latimer, then sheriff, by the order of the Lord King ; and afterwards held that seisin for about two years until the said Elyas and Elena ejected him thence. But they say that Henry never recovered seisin of the said tenements by reason of any assize of novel disseisin before the said Roger, nor even before the dean and sheriff. And they said the same before the said sheriff and keepers of the pleas of the Crown etc. And therefore it is considered that the said Elyas and Elena do have their seisin again, which they had before the taking of the said inquisition ; and that Henry do take nothing by that writ ; and be in mercy for a false claim.

It is found by a jury, on which Elyas de Bleuleveny and Robert le Norreys put themselves, that the said Elyas seized Robert and took him into the march of Wales to the Castle of Reynold son of Peter de Bleuleveny, and afterwards removed him thence, wishing to imprison him, in such a manner, however, that Robert escaped from the hands of Elyas by craft. And afterwards he seized him again, and held him in prison in a certain cellar for one month and more, until it was shown to the sheriff ; and as soon as Elyas was made aware that the sheriff was coming to deliver Robert, he permitted him to go away. It is therefore considered that Elyas be committed to gaol and do satisfy Robert for his damages, which are taxed by the Justiciars at . . . . . Afterwards the said Elyas came and made a fine for his trespass for fifteen shillings, by the pledges of John de Feugers, Robert the Franklin of Whigheton,<sup>1</sup> William Baddy of the same [vill], Robert le Veyl of Shupton. The same are pledges for the damages.

The said Robert le Norreys is in mercy for a false claim against Baty de Boythorp and Walter Wascelyn, whereas the said Robert complained that the said Baty and Walter carried off the corn of the said Robert, he being unwilling etc. He is pardoned because [he is] poor.

John de Crauncewik complains of William de Kirkeby that when the said John towards the feast of St. Helena, in the 41st

<sup>1</sup> Market Weighton.

year, had demised to the said William nine marks of land with appurtenances in Tokwik, which the said John had by the grant of Alice, who was the wife of Robert de Dunesford, for the term of the said Alice's life, [and] who held them in the name of dower, for sixty marks which the said William ought to have paid him within eight days after that demise, if the said William had been able meanwhile to obtain the grant and feoffment thereof of a certain William de Dunesford, the heir of that land; and whereas the said William had obtained the grant of the said William de Dunesford in respect of the said land, and had fully obtained seisin thereof, the said William de Kirkeby refused afterwards to pay the said money to the said John, so that when the said John went to the Priory of the Holy Trinity at York to have the said William de Kirkeby's writing—by which he was bound to the said John for the said money, and which had been committed to the keeping of the Prior of the said Priory with their [common] consent, until the said William should fully have seisin of the said land, and [until] the said money should have been paid to the said John, in such a way that unless the said William should satisfy the said John thereof, the said Prior would deliver that writing to the said John—the said William brought a letter of the Archbishop of York, obtained by a false suggestion, which was directed to the said Prior, forbidding him to deliver that writing to the said John; and moreover he [William] afterwards caused him, the said John, to be summoned to Rypon before the official of the said Archbishop to answer about certain matters touching the said agreement, and he [William] produced there the writing of the said John in respect of a quitclaim of the said land which he had before made to the said William, at the end of which writing the said William falsely and with seditious intent wrote and added with his own hand that the said John was bound to make good to the said William all kinds of losses which he might incur by reason of that agreement, which never emanated with the knowledge of the said John, in such a way that the said John, by reason of the said vexation and deceit, remitted to him ten marks from the said debt before he was able to obtain any part of it, whence he says that he is damaged, and has a loss to the value of twenty marks. And thereof he produces suit.

And William comes and denies the force and injury, when etc., and all the false suggestion and deceit, and the whole [of it] etc. And well he acknowledges the said agreement; but he says that the said John was bound to acquit him [William]



against all men in respect of all kinds of losses which he might have by reason of the said agreement. And he says that because Peter de Brus, the chief lord of that fee, had ejected him from the said land, so that he made a fine with the said Peter for twenty marks before he could again have entry into the said [land], which he paid to the said Peter, being urgent, the said John came and precisely remitted to him the said ten marks for his said damages. And questioned as to what became of that writing of which John speaks and which shows this, he says that it is with the said Prior. And that he made no other injury to the said John, he puts himself on the country. And John likewise. And therefore the sheriff is ordered to cause twelve men etc. to come before P. de Percy at a day and place etc., by whom etc.

[m. 6 d.] Joan, who was the wife of William de Caumpeden, puts in her place Robert de Stutevill or John de Aunecrumber against the Abbat of St. Mary of York and others [named] in the writ, in a plea of novel disseisin.

Joan, who was the wife of Gerard Selvayn, puts in her place Thomas Brun or Simon son of Ralph against Robert Selvayn, in a plea of dower etc.

Joan daughter of Gerard Salvayn puts in her place the said Thomas or Simon son of Ralph against Sibil, Lucy and Orfamina, daughters of Adam de Merflet, in a plea of dower.

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#### ALSO OF PLAINTS AT BEVERLEY.

[m. 7.]

Robert the Forester of Berewik, Richer de la Rundehaye, Richard his fellow, Michael the Hayward of Berewik, and Peter the Hayward were attached to answer Roger le Peytevin in a plea whereas, when the said Roger, lately<sup>1</sup> in the Court of the Lord King before H. le Bygot, Justiciar of England, at Malton, had recovered his seisin of the manor of Saxton with appurtenances against Alesia, who was the wife of Edmund de Lascy, by an assize of novel disseisin there taken thereof between them, and the sheriff by the order of the Justiciar had given to the said Roger his seisin of the said manor with appurtenances, the said Robert and the others do not permit him peacefully to enjoy his seisin of a certain wood which is an appurtenance of the said manor of Saxton; indeed they

<sup>1</sup> See p. 95.

waylaid the servants of the said Roger, who were found in the same wood on the Sunday next before the feast of the Exaltation of the Holy Cross, in the 44th year, and beat them and ill-treated them, against the peace etc. Wherefore he says that he is damaged, and has a loss to the value of 100 shillings etc.

And Robert and all the others come and deny the force and injury, and whatever is against the peace etc. And well they deny that they have ever prevented the said Roger from enjoying his seisin of the said wood; nor have they waylaid, beaten, or done any ill to the servants of the said Roger in the said wood. And of this they put themselves on the assize. And Roger likewise. And therefore the sheriff is ordered to cause to come twelve [men] etc., by whom etc., before H. le Bygot on his first coming etc., and who neither etc., for a recognition in the said form; because both etc. And it is [so] conceded etc. And be it known that Geoffrey son of Richard de Berewik, Roger de Scholes, Robert Gleuman, Jordan Here, Adam Lilleman, William the Carpenter, and Robert son of . . . . . de Berwyk undertook to have the said Robert and others before H. le Bygot on his first coming etc.

The Abbat of Ryevale by his attorney offered himself on the fourth day against John de Surdeval in a plea of many trespasses, wherein the said Abbat complains of him etc. And he did not come, etc. And he made many defaults, so that the sheriff was ordered to distrain him, so that from the issues etc.; and to have his body here etc. And the sheriff witnesses that he is distrained, and that the issues of his lands are handed to Roger le Dol, Richard de Ruton, Laurence his brother, and Hugh de Swyne. And therefore, as before, the sheriff is ordered to distrain him by all his lands etc., so that from the issues etc.; and to have his body before H. le Bycot in one month from the day of St. Michael wheresoever etc.

It is found by the jury on which German Hay and Matthew de Malton and Geoffrey de Neusum put themselves [in a plea], whereas the said German complained that the said Geoffrey, by order of the said Matthew, distrained him by his ploughs, until he had made a fine with them for ten marks, against the peace etc., that the said German made the fine with the said Matthew and Geoffrey for the said ten marks with his own free will, because the said German had before beaten certain servants of Peter of Savoy (*de Sabaudia*), whose bailiffs the said Matthew



and Geoffrey then were, and not by any distraint which the said Matthew and Geoffrey made to the said German, as the said German had complained. And therefore it is considered that the said Matthew and Geoffrey do go thence without day, and [that] German be in mercy for a false claim.

Nicholas son of Thomas, who brought an assize of mort d'ancestor against the Abbat of Whiteby concerning seven  
 . . . . .

Stephen de Menill puts in his place Reynold de Tunstal or Hugh le Weyte against John de Eyvill, in a plea of agreement etc.

[m. 8.] It is agreed between John son of Richard de Whallesgrave,<sup>1</sup> plaintiff, and Roger Uctred in a plea, whereas the said John complained that the said Roger raised a certain dam in Whallesgrave to the nuisance of the free tenement of the said John in the same vill; and whereof the said John complained that by this said dam which the said Roger raised water flows back over a certain turbary of the said John and inundates it, by which he loses the whole of that turbary—to wit, that John Haldayn, John de Wandesford, Richard son of Gerard, and Adam de Roston shall come to the said dam and see if that dam is raised to [John's] nuisance etc.; and if they shall find that the said Roger has raised the said dam to the nuisance of the free tenement of the said John, then by their view it shall be taken down so much as shall it be to [John's] nuisance etc. And therefore it is enjoined to the said John [Haldayn] and the others that in their own persons they shall come to the said dam to see. And if they shall find it raised to [John's] nuisance etc., they shall cause it to be taken down without delay etc.

Agnes, who was the wife of Richard Cissor, of Schartheburg, complains of Adam de Schupton that whereas she was in the peace of the Lord King in her house in Schartheburg on the Saturday next after the feast of St. Martin this year, the said Adam came to her said house and broke the doors of the same house, and entered that house and beat the said Agnes and illtreated her, and took and carried away her goods found in the same house, to wit in sheets, utensils, and other things to the value of forty shillings, against the peace etc. Wherefore she says that she is damaged, and has a loss to the value of 100 shillings etc.

<sup>1</sup> Falsgrave.

And Adam comes and denies the force and injury, and whatever is against the peace etc. And that he made no trespass against her, he puts himself on a jury of the vill. Afterwards came the said Agnes and withdrew. Therefore she and her pledges for the prosecution are in mercy; she did not find pledges except her good faith, because she is poor.

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### SCARDEBURG: [PLEAS] OF THE CROWN.

Robert Achard of Scardeburg and Alice his wife, Gilbert son of Roger de Beverley and Geoffrey le Swiller, accused of the death of Margaret daughter of Robert [son of Robert] de Brinneston,<sup>1</sup> who was killed in the vill of Scardeburg, come and deny the said death, and the whole [of it] etc. And for good and ill they put themselves on a jury of the vill of Scardeburg.

Walter son of Robert de Pikering, likewise accused of the death of Ralph the Mercer, who was killed in Scardeburg, comes and denies the death, and the whole of it etc. And he puts himself on the said jury for good and ill.

And the twelve jurors chosen for this say on their oath that the said Robert Achard, Gilbert, and Geoffrey are not guilty of the death of the said Margaret. Therefore they are quit thereof. But they say that the said Alice is guilty thereof. Therefore, etc. They say also that the said Walter is guilty of the death of the said Ralph. Therefore etc. They had no chattels.

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### [PLEAS] OF THE FOREST.

It is presented by Thomas de Edbreston, the bailiff of the forest of Scalleby, Nicholas the Forester of the said forest, Ralph de Levesham and Bartholomew de Scalleby and Ralph de Roston, verderers of the same [forest], that Stephen Trenchemer and Richard le Palefreur took a certain hind in the forest of Scalleby with greyhounds on the vigil of St. Giles, in the 40th year, and carried it to the house of Roger Hutred in Scardeburg; and that the said Stephen and Richard and likewise a certain John, the carter of the said Roger, were of the mainpast of the said Roger.

<sup>1</sup> Burniston.



The same present that Robert de Helperthorp, Roger de Reythesdal',<sup>1</sup> Walter Godwyne, Adam son of Nicholas le Strenlegger', Roger Taury, Henry his son, and Jordan Pympay, on the Tuesday next after the feast of Holy Trinity, in the 43rd year, hunted a stag in the said forest, and brought venison to the house of the said Roger in Scardeburg.

They present also that Alan de Buleford, together with others of the household of the said Roger, on the Monday next before the [feast of] the Invention of the Holy Cross, in the said year, hunted a kid in the enclosure (*haya*) of the Lord King in Scalleby, and carried it to the house of the said Roger in Scardeburg.

The same present that Robert de Helperthorp and Stephen Trenchemer, together with others unknown, on the Saturday next after the feast of Holy Trinity, in the said year, took a hind with greyhounds in the forest of Scalleby, and carried venison to the house of Roger Hutred in Preston; and that the said Robert, Thomas son of Simon le Berier, and William, the shepherd of the said Roger, being of the mainpast of the said Roger in his house at Preston, then went as far as a certain place which is called Bodale, within the covert of the said forest, with bows and arrows and greyhounds, for the purpose of hunting and taking venison for about six days, and returned to the said house; and that likewise John the Minckesman and Ralph in le Wra often entered the forest for the purpose of hunting.

The same present that William de Roseles, Colin his man (*garcio*), Adam the Chaplain of Aselby, and Alan son of his brother, on the Friday next before the feast of St. John the Baptist, in the same year, hunted a hind in the same forest, and brought her to the house of the said William in Aselby; and that William de Galeweye and John de Munketon, the forester of Elena de Percy, hunted a kid in the same forest on the Monday on the morrow of [the feast of] St. Peter and St. Paul, in the said year.

And Stephen, Robert de Helperthorp, Roger de Reythesdal', Walter Godwine, Roger Taury, Henry his son, Jordan Pimpay, John the Munkeman, Ralph in le Wra, Roger Farman, Robert son of Adam de Roston, William de Roseles, Alan son of his brother, Thomas son of Simon, William le Bercher and Roger

<sup>1</sup> Rosedale, near Pickering.

Hutred come ; and they have no warranty. Therefore all save Robert son of Adam de Roston are committed to gaol. And Robert . . . . .

And John de Muneketon and William de Galeweye and the others do not come. And John was attached by Adam Walterman, John de la Grene, William Tupe, Richard the Miller, Geoffrey de Westgate, Thomas son of Hugh de Semare, Robert son of Gundreda, Augustin le Messenger, Robert the Smith, Gregory son of Agnes, Gilbert son of John and William son of Hugh. And William [was attached] by Adam son of Hugh de Semare, Thomas son of Roger, Thomas son of William, Thomas de Tweng in Semar, Reynold le Cupere, William Wade, Simon de Aldeston,<sup>1</sup> Augustin of the same [vill], Roger son of Thomas, William Artur', Richard Otewel, and Roger King. Therefore all [of them] are in mercy.

And the sheriff is ordered to take them and keep them safely in prison until etc.; and to take their lands and chattels etc. into the hand of the Lord King etc.

[m. 8 d.] Afterwards came the said William de Roseles and made a fine for his said trespass for five marks, by the pledges of Geoffrey de Upsal, Alan Buszel, Ralph de Lokinton, Richard de Nevill, Roger de Burton, John de Neuton, William son of William de Eversley, Walter le Romeyn, John le Champyun, Eudo de Kirkeby, and John Lagan ; who also are pledges that henceforth he will not trespass in the forest, etc.

Afterwards came Robert son of Adam de Roston and made a fine for the said trespass for five marks, by the pledges of Robert the Carpenter, Adam Hupshet, Walter de Watton, John de Whalesgrave, John son of Osbert, Hugh de Benton, Robert Dusing, Robert Gege, Hugh Crappes, Adam Gamel, Adam de Shupton, and Henry le Spicer ; who also are pledges that no more will he trespass in the forest etc.

Afterwards came the said Robert de Helperthorp and made a fine for forty shillings, by the pledges of Walter Noon, Ralph de Wicham, John son of Osbert, Robert Sage, Gregory the Mercer, John the serjeant, Adam de Schipton, Walter Fox, Hubert le Walker, William Benet, Walter de Warton, and Ralph de Winketon ; who also are pledges that henceforth he will not trespass etc.

Afterwards came the said Thomas son of Simon and found pledges that henceforth he will not trespass in the forest, to wit Robert de Sipwell, Robert Redy, Robert Ingeram, junior,

<sup>1</sup> Allerston.



Reynold Cordewan', William Gerard, Robert Salter, Robert Beaufrunt, Ralph Priket, Adam Plumet [? Pulment], William de Picheford, John son of William, and Richard the Goldsmith. The fine is pardoned because he is within age.

Afterwards came the said Roger Hutred and made a fine for the said trespass for fifty marks, by the pledges of Thomas Haldan, Robert Ingeram, senior, William de Rillington, Roger Wulrun, Robert Godwine, Henry Sampson, Ralph de Sleden, Alan the serjeant, Robert the Carpenter, William Sperling, William Gerard, and John de Thorenton in Scardeburg; who also are his pledges that henceforth he will not trespass in the forest etc.

Afterwards came Ralph in le Wra, and he found pledges that henceforth he will not trespass in the forest, to wit Adam Gamel, Adam de Schipton, Henry the man of the Mayor, John de Slengesby, William Beneyt, Eudo de Kirkeby, Walter Fox, Robert le Salter, Adam the Saucer (*Pulment'*), William Hoker, Reynold de Lindberg, and Walter de Walton. And the fine is pardoned because he is poor.

Afterwards came Roger Fareman and made a fine for ten shillings, by the pledges of John son of William son of Gilbert, William de Picheford, Reynold Gresse, John Beaufrunt, Alan Beaufrunt, Robert Beaufrunt, William Hoker, Godard the Smith, Adam de Supton, Thomas Haldan; who also are his pledges that henceforth he will not trespass etc.

Afterwards came Walter Godwine and made a fine for half a mark, by the pledges of Robert Godwine, William de Rillington, Ralph de Wuketon, Simon de Roston, John the clerk, Robert Sage, Thomas Crinoo, Reynold Cordewan', Adam de Schipton, Walter Fox, Adam son of Maude, and Robert Salter; who also are pledges that henceforth he will not trespass in the forest etc.

Be it remembered that on the Friday next after the Exaltation of the Holy Cross, in the 44th year, five charters concerning certain liberties, granted to the burgesses of the said town by the Lord King that now is, were entrusted by the whole community of the town of Scardeburg to Roger Hutred, the mayor at that time, Adam de Rooston, Richard de Paxton, and Everard Stacy, to be in their custody etc., which before were in the custody of the said Roger etc.





## APPENDIX I.

### LIST OF YORKSHIRE ASSIZE ROLLS IN THE RECORD OFFICE FOR THE REIGNS OF JOHN AND HENRY III.

No. of Roll.	Regnal Year.	Description.	No. of Mem- branes.
<sup>1</sup> 1039	— John.	Assise coram G. filio Petri et sociis suis. Placita Forinseca. Placita Corone	8
1040	3 Henry III.	Assise et Placita Corone	12
1041	4 Henry III.	Assise et Placite	3
1042	15 Henry III.	Placita et Assise coram S. de Segrave et sociis suis	29
1043	15 Henry III.	Placita Corone et de Assisis coram eisdem	24
1044	28 Henry III.	Assise nove disseisine coram W. de Eboraco et sociis suis	4
1045	30 Henry III.	Placita de Assisis coram R. de Thurkelby et sociis suis	56
1046	35-36 Henry III.	Placita Assisarum coram S. Karliolensi Episcopo, R. de Thurkelby et sociis suis. Placita Forinseca	77
1047	36 Henry III.	Fines et Amerciamenta coram eisdem	25
<sup>1</sup> 1048	36 Henry III.	Placita et Assise coram R. de Thurkelby et A. de Hilton	7
<sup>1</sup> 1049	44 Henry III.	Placita de Assisis et Juratis coram H. le Bigod	8
1050	52 Henry III.	Placita de Juratis et Assisis coram G. de Preston et sociis suis	92
1051	52 Henry III.	Placita Corone	48
1052	55-56 Henry III.	Placita de Juratis et Assisis coram J. de Reygate et J. de Oketon	17
1053	[Henry III.]	Placita Corone	15

<sup>1</sup> Signifies that these rolls are produced in this volume.





## APPENDIX II.

### GLOSSARY.

APPROVER<sup>1</sup> (*probator*).—A convicted criminal who was pardoned on condition that he should rid the country by his appeals of a certain agreed number of his associates or other criminals personally known to him. Although until Bracton's day the jury was not recognised as a definite alternative to the ordeal by battle, law-abiding folk could avoid a combat with an approver by placing themselves upon the country. Only the royal courts had jurisdiction in an appeal of this sort.<sup>2</sup>

ESSOINS.—The usual essoins or excuses for suitors who failed to appear in answer to the summons were the essoin *de malo veniendi*, which resulted in most cases from illness occurring on the way to court, and the essoin *de malo lecti*. When the latter was claimed—and it was ordinarily only permitted in proprietary actions—the justices sent four knights<sup>3</sup> for the purpose of a “view.” If their view led them to suppose that the illness was unduly exaggerated, the knights had power to name a day for future appearance; otherwise an interval of a year and a day was granted. It may be noted that no essoins whatever were allowed in cases of novel disseisin.<sup>4</sup>

ESTOVERS.—One of the many rights of common was the common of turbary; this gave the right to cut wood or undergrowth “*ad rationabile estoverium ædificandi, claudendi et ardendi*.”<sup>5</sup> This phrase of Bracton's occurs *ante*, p. 65.

ESTREAT<sup>6</sup> (*extracta*).—An extract of fines and amercements, which were entered on the rolls of a court, to be levied by the bailiff or other officer.<sup>7</sup>

<sup>1</sup> See *ante*, p. 37.

<sup>2</sup> P. and M., ii, 633; Maitland: *Bracton's Note Book*, iii, p. 174; and Chadwyck-Healey: *Somersetshire Pleas* (Somerset Record Society), pp. lii, liii.

<sup>3</sup> *cf. ante*, p. 19.

<sup>4</sup> Chadwyck-Healey: *op. cit.*, pp. lxix–lxxi; and P. and M., ii, 563.

<sup>5</sup> Bracton, fol. 222.

<sup>6</sup> See *ante*, p. 119.

<sup>7</sup> Murray's *New English Dictionary*.

EXCHEQUER OF THE JEWS<sup>1</sup> (*scaccarium judeorum*).—A branch of the Exchequer originally organised for the purpose of winding up the affairs of the celebrated Aaron of Lincoln.<sup>2</sup> It became “both a financial bureau and a judicial tribunal,” supervising the collection of the revenues exacted from the Jews, and determining disputes between Jew and Christian.<sup>3</sup>

FORINSEC SERVICE.—This may be contrasted with “intrinsic” service. The latter “is the service which is created by, which (as it were) arises within, the bargain between the two persons, A and B, whose rights and duties we are discussing”; the former “arises outside that bargain, is ‘foreign’ to that bargain; nothing that the bargainers do will shift it from the land, though as between themselves<sup>4</sup> they can determine its incidence.” That forinsec service is the equivalent of military service, so called because it is performed in foreign parts, is an erroneous conception.<sup>5</sup>

HALIWERES.<sup>6</sup>—Probably Durham. The tenants of St. Cuthbert were sometimes known as Haliweresfolc, the folk of the holy man.<sup>7</sup> From its inhabitants a considerable portion of the bishopric of Durham came to be called Haliwerfolc.<sup>8</sup>

LITTLE WRIT OF RIGHT CLOSE<sup>9</sup> (*parvum breve de recto*).—Protection to “villein socmen,” tenantry on “ancient demesne,” was afforded by this special writ which was directed by the King to the bailiff of the manor, instead of to the sheriff, bidding him do right to the plaintiff “according to the custom of the manor.” The writ could be employed against the lord himself of an ancient demesne manor which had been alienated from the King’s hand<sup>10</sup>; and it was a form of procedure less elaborate and costly than the process before the justices.<sup>11</sup>

<sup>1</sup> See *ante*, p. 80.

<sup>2</sup> H. W. C. Davis: *England Under the Normans and Angevins*, p. 272.

<sup>3</sup> P. and M., i, 470.

<sup>4</sup> *cf. ante*, pp. 7, 10.

<sup>5</sup> P. and M., i, 238, 239*n*.

<sup>6</sup> See *ante*, p. 33.

<sup>7</sup> Murray’s *New English Dictionary*.

<sup>8</sup> *Yorks. Arch. Journal*, xvii, 127.

<sup>9</sup> *cf. ante*, p. 91.

<sup>10</sup> Instances may be found in the court roll of King’s Ripton; Maitland: *Select Pleas in Manorial Courts*.

<sup>11</sup> Vinogradoff: *Villeinage in England*, pp. 94–100; and P. and M., i, 385–388.

See Pipe  
Roll 13 John  
(1211) [N.S. 28]  
p 37



REASONABLE DOWER (*dos rationabilis*).—There is a distinction between “*dos nominata*” and “*dos rationabilis*”; the former was that which was specially stipulated at the time of the marriage—*ad ostium ecclesie*—and it could not exceed one-third of the lands<sup>1</sup>; the latter was not specific, but was understood to mean, and could be claimed by the widow, as one-third of the lands of which the husband was seised at the time of the marriage. This amount was extended in the 1217 edition of Magna Carta to comprise one-third of all the land which the husband held in his lifetime, by which we must understand, during the coverture. It is probable, however, that this extension was not generally employed until the time of Britton.<sup>2</sup>

<sup>1</sup> This, at all events, was the rule in the thirteenth century.

<sup>2</sup> P. and M., ii, 420.

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